

valiant effort of the Chargers. California sent two great teams to the Super Bowl, and I thank the gentleman for his salsa, chips, and guacamole, and give him a T-shirt.

#### CONGRATULATING TWO GREAT FOOTBALL TEAMS FROM CALIFORNIA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I want to congratulate the Chargers and my colleague, all of my colleagues, from San Diego.

We are very proud in California of two great teams.

The gentleman from California [Mr. CUNNINGHAM] is a good sport. I waited awhile for him to pay off on this debt. His "the chips are on their way" became like "the check is in the mail." You know, the Super Bowl has been over awhile, and I thought that as to this concession he was waiting for Michael Huffington to concede before he conceded the Super Bowl loss.

In any event, he is a great Californian, a great sport. I thank him for that.

I also will have to say how proud I am of the San Francisco 49ers, owner Eddie DeBartolo, president Carmen Policy, you know, quarterback Steve Young, Jerry Rice, Rickey Waters, and the list goes on and on.

It was a great Super Bowl. We are very proud. Five trips to the Super Bowl for the 49ers, five championships, five world championships.

Go '9ers.

#### INTRODUCTION OF RESOLUTION OF INQUIRY CONCERNING TAXPAYER-BACKED MEXICAN RESCUE PACKAGE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today with bipartisan cosponsorship, I am introducing a resolution of inquiry concerning the recent U.S. taxpayer-backed Mexican rescue package.

Far too many questions regarding the terms of the financing and the financial risks to our people and our banking system remain unanswered. The purpose of this resolution is to obtain factual information from the Clinton administration on a series of questions contained in the resolution, including the soundness of the collateral backing the agreement, the solvency of PEMEX, the actual terms of the short-, medium-, and long-term loans, and the rate at which funds are being drawn down.

I ask my colleagues to cosponsor this resolution of inquiry and respectfully request the Committee on Banking and Financial Services report it favorably within the 2 weeks required.

#### VIOLENT CRIMINAL INCARCERATION ACT OF 1995

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). Pursuant to House Resolution 63 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 667.

□ 0917

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 9, 1995, the amendment offered by the gentleman from Virginia [Mr. SCOTT] had been disposed of, and the bill was open for amendment at any point.

Four hours and ten minutes remain for consideration of the bill under the 5-minute rule.

Are there further amendments to the bill?

#### AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment, amendment No. 2, Watt No. 2.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 17, strike lines 16-23 and page 18, strike lines 1-3.

Page 18, line 4, strike the letter "g" and insert instead the letter "f".

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume. This should not take 5 minutes. I actually engaged in some degree of debate on this amendment during the period of general debate.

This amendment simply would strike the provisions in the bill having to do with the award of attorneys' fees.

I now realize that I may have the wrong amendment at the desk.

Mr. Chairman, I ask unanimous consent to substitute amendment No. 3, Watt No. 3, and have that one read instead. I ask unanimous consent that the amendment that was originally read be withdrawn and that the Watt amendment No. 3 be substituted.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN pro tempore. The amendment has been withdrawn.

#### AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer my new amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 16, strike lines 10-20.

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

□ 0920

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment actually relates to the procedure by which an appeal is taken from an order in which relief has been granted in a prison lawsuit.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. I thank the gentleman for yielding.

Mr. Chairman, I am uncertain as to what this amendment is. The amendment that was read does not seem to be amendment No. 3 that was printed in the Journal. I would like to understand what amendment we are on at this point.

Mr. WATT of North Carolina. The gentleman's side has a copy of them. We redesignated the amendments because when the bill came out of committee it came out in a different form that the amendments that were printed in the RECORD conform with. So we have gone back and conformed the amendments to comply with the actual printed bill.

Does that address the gentleman's concern?

Mr. CANADY of Florida. It does. I thank the gentleman.

Mr. WATT of North Carolina. I had given the gentleman's side a copy of this amendment and the revised amendments yesterday afternoon.

Mr. Chairman, resuming my time, the bill provides that when an order has been entered by the court and the defendants in the case who have already been found to have violated a constitutional right by prison overcrowding or in some other way violating a prisoner's rights and an effort has been made to try to correct that, when the motion to revise that order is made, that order continues in effect during the pendency of the motion to revise the court's order. Well, that is exactly what happens in any lawsuit. If the court ever enters an order in a case, that order stays in effect until the court comes back and changes that order or until some higher court changes that order.

The provisions of this bill would say if the court has entered an order, the order is in effect, the defendant files a

motion with the court to change that order or to eliminate that order, then simply because the defendant filed a motion to change the order, if the court did not act on that motion within 30 days or some arbitrary time, the defendant would win the motion.

There is absolutely no precedent for this kind of radical change in any area of the law. Basically, what it says is you take overcrowded, overworked Federal courts, and you, without adding any additional personnel, any additional space, any additional opportunity for them to get the aid that they need—and everybody knows the courts are already overworked—and you take that and use it as an excuse to, in effect, change the whole burden of proof and process that we have followed in our country for years and years and years.

Another example of some political sloganeering taking precedence over reasonable public policy and thought in this body.

I would simply submit that this provision makes no sense from a public policy perspective. It may make some sense from an appeal to the political electorate's perspective, but I would even think it does not make any sense once you think about it and talk it out from that perspective.

So I would ask my colleagues to be reasonable, go back to the process that has existed in all other cases in our court system and allow that process to continue to exist in this case.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there a Member in opposition to the amendment of the gentleman from North Carolina?

Mr. CANADY of Florida. Mr. Chairman, may I claim the time in opposition?

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. CANADY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provision of the bill which is being attacked by the current amendment is a provision that is simply designed to insure the expeditious consideration of motions for relief filed by States and local governments.

What happens in many of these cases involving prison conditions is, the court, unfortunately, will not expeditiously consider such motions for relief by the States and local governments. In some cases, that can result in dangerous criminals actually being let out on the street.

Now, what we have in the bill is something that is very reasonable; it gives the court adequate time to consider the motions for relief and simply provides that if the court does not act on the motion for relief filed by the State or local government within the

time period specified, then there will be a stay.

Now, once the court acts on the motion, the stay goes away. This is simply a mechanism to encourage the court to act swiftly, to consider these matters which are of great public importance. If the court ends up ruling against the State or local government, at that point the State or local government will have the ability to appeal that order of the court.

Now, I think it is important to understand there are two different time periods that are specified in the bill. One time period is for 30 days. That means that a stay will come into effect 30 days after a motion has been filed. But that only happens in circumstances where there has been no prior finding by the court that an individual's constitutional right have been violated. So that is a very unique circumstance, where there has been an order imposed that is not based on a specific finding of such a constitutional violation.

I believe there is a compelling case in such circumstances for allowing the State or local government to obtain swift relief from onerous impacts of such a court order that is not based on a finding of specific constitutional deprivation.

Now, it is true that other cases, where there may have been a finding of a constitutional deprivation, are subject to the stay provisions, but that stay provision only comes into place after the court has had the motion for more than 180 days.

Now, I believe 180 days is certainly an adequate period of time for a court to consider such a matter, particularly given the fact that these matters involve the public safety and involve the issue in many cases of keeping violent criminals off the street who would otherwise potentially be released under the court's order.

So I believe these are reasonable provisions.

The important thing to understand there is there is nothing, there is absolutely nothing in this bill that keeps the court from keeping in place the provisions of the order. If the court will simply make the findings that are necessary under the law, if the court will simply deal with the matter in an expeditious manner, the court will provide whatever relief is appropriate for a constitutional deprivation.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such additional time as I may consume and would like to address a couple of questions, after I make a comment, to the gentleman from Florida [Mr. CANADY].

Again, this is one of these situations like we saw yesterday and day before yesterday where I am not sure the other side has read the provisions of its own bill.

Mr. CANADY represents to my colleagues here that under one part of

this, the 30-day provision, no order needs to be in effect. But I do not know where he is getting that from if he has read the provisions of his bill.

It says, beginning on the 30th day after such motion is made in the case of a motion made under subsection B. Subsection B of this bill, an order is already in effect by a court because subsection B deals with termination of relief, relief that has already been ordered by the court.

So on that point, I think he is just absolutely wrong in his reading of his own bill.

□ 0930

Second, I would simply ask the gentleman whether he knows of any other situations, legal situations in this country, in which, where an order is in effect by the court, and somebody is trying to get from under that order, and they file a motion with the court to terminate it, a disposition of that motion is made in one way or another without the court having acted on it? Is there any other legal precedent for this that he can cite in any other area of the law?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. That is the typical situation in the case of appeals from a judgment of the court.

Mr. WATT of North Carolina. We are not talking about appeals. We are talking about going back to the same court that entered the order. This provision has nothing to do with appeals. This has to do with a motion in the court where the relief was granted. Is there any other precedent in the whole body of law in this country where a similar provision exists?

Mr. CANADY of Florida. There are provisions of law that stay certain orders against governmental entities. I am familiar with those in a variety of States where an order may be entered against a particular governmental entity. There is a stay imposed specifically because of the status of the party as a governmental entity. That is something that is found in the law, but let me go back to his point that the gentleman raises about the 30-day stay.

Now this is a conversation, quite frankly, that we had in the Committee on the Judiciary, and I am simply going to repeat it to my colleague.

Mr. WATT of North Carolina. Mr. Chairman, let me reclaim my time because we are operating on my time here, and I will reserve the balance of my time and let the gentleman make his point on his time since I have limited time here.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we discussed at length in the Committee on the Judiciary, the 30-day stay only comes into

place in circumstances where there is an absence of a finding by the court that prison conditions violated a Federal right.

I say to the gentleman, if you want to look on page 16 of the bill, beginning at line one, that's where you'll find it.

Now obviously there is going to be a court order in place. I never indicated that the stay only comes in place when there has been no court order. Obviously there is nothing to stay if there is no court order. We are talking about a court order, however where the court order does not have a finding by the court that prison conditions violated a Federal right.

Now all we are saying, it is in those circumstances the local government or the State should be entitled to very swift consideration of a motion for relief from an order that has not been based on the finding it should be based on. That is all that we are providing here.

Now, as I said, this is the same explanation that was provided in the Committee on the Judiciary. The plain language of the bill indicates that that is what we are talking about, and the gentleman can see it there on page 16.

Mr. WATT of North Carolina. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from North Carolina has 2 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

I agree with one thing that the gentleman said. This is the explanation they gave for this provision in committee; that is true.

The explanation in committee was wrong. The explanation they are giving on the floor today is wrong. The wording of this bill specifically says the 30-day provision applies in any civil action with respect to prison conditions in which prospective relief has been granted.

So he has got a 30-day provision for that, and he has got a 180-day provision where retrospective relief has been granted, but in both of those cases relief has been granted.

Now let me just say to my colleagues and to the American people that yesterday or the day before yesterday—I am losing track of time now with all of these bills that keep coming at me—we set up a different standard of law with respect to aliens than we set up with respect to gunowners as far as the fourth amendment is concerned. Under that provision we are treating one part of our population differently than we treat other parts of our population. Here we are today setting a lower standard again for the rights of other citizens simply because we do not like those citizens.

I would say to the gentleman from Florida [Mr. CANADY] and to all of my colleagues, We can't set a different standard of law and decide in advance who is a bad guy and who is a good guy. Our whole criminal justice and court

system is designed to make those determinations. We can't make those determinations on the floor of the Congress of the United States. It's the courts' responsibility to make those determinations, and when we start with moving the courts' authority, we are undercutting our rights, and this makes no sense, and I hope my colleagues will join me in opposing it.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time just to sum up very quickly.

The issue here is whether we are going to allow courts to continue micromanaging prison facilities and to allow them to delay their consideration of motions for relief from their micromanagement. That is the issue. I believe that we have seen a history of abuses in this area. There is a compelling public interest in ensuring that local governments and the States are able to obtain relief in an expeditious manner.

Now we are not tying the courts' hands here. We are simply saying to the court, "Act, consider these matters, deal with them because they are of public import because they are matters that have a grave impact on the public safety. They're matters that in effect are life-and-death matters."

Let me say this also:

We are not setting a lower standard for anybody's rights here. This bill has been carefully crafted to ensure that people who have a legitimate claim, people whose rights, whose constitutional rights, are in fact being violated, can have a remedy. But what we want to stop is the overinvolvement of the courts in managing the prison systems.

I say to my colleagues, That's what this is about, and, if you want to have a more rational policy in this area, you will oppose this unfavorable amendment.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman yield just so I can make a point?

Mr. CANADY of Florida. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. The issue is not whether the courts will micromanage prisons. The issue is whether Congress will micromanage the courts, and that is what we are doing by putting this provision in the law.

Mr. CANADY of Florida. I respectfully disagree. I think we are addressing an important public matter here, and this is certainly within the province of the Congress' responsibility, and indeed I believe it is incumbent upon the Congress to address this issue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 313, not voting 28, as follows:

[Roll No. 112]

## YEAS—93

|              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Gutierrez     | Payne (NJ)    |
| Beilenson    | Hall (OH)     | Pelosi        |
| Berman       | Hamilton      | Reed          |
| Bishop       | Hastings (FL) | Reynolds      |
| Bonior       | Hilliard      | Rivers        |
| Brown (CA)   | Hoyer         | Rose          |
| Brown (FL)   | Jackson-Lee   | Roybal-Allard |
| Cardin       | Johnson, E.B. | Rush          |
| Clay         | Kennedy (MA)  | Sabo          |
| Clayton      | Kennedy (RI)  | Sanders       |
| Clyburn      | Kildee        | Sawyer        |
| Collins (IL) | LaFalce       | Schroeder     |
| Conyers      | Lantos        | Schumer       |
| Coyne        | Levin         | Scott         |
| Dellums      | Lewis (GA)    | Serrano       |
| Dicks        | Lowey         | Skaggs        |
| Dingell      | Martinez      | Slaughter     |
| Dixon        | Matsui        | Stokes        |
| Durbin       | McDermott     | Studds        |
| Eshoo        | McKinney      | Thompson      |
| Evans        | Meehan        | Towns         |
| Farr         | Meek          | Velázquez     |
| Fattah       | Menendez      | Vento         |
| Fazio        | Mineta        | Visclosky     |
| Fields (LA)  | Mink          | Ward          |
| Filner       | Mollohan      | Waters        |
| Flake        | Nadler        | Watt (NC)     |
| Foglietta    | Oberstar      | Williams      |
| Frank (MA)   | Olver         | Wise          |
| Gejdenson    | Owens         | Wynn          |
| Gibbons      | Pastor        | Yates         |

## NAYS—313

|              |               |               |
|--------------|---------------|---------------|
| Ackerman     | Collins (GA)  | Gephardt      |
| Archer       | Combest       | Geren         |
| Armey        | Condit        | Gilchrest     |
| Bachus       | Cooley        | Gilman        |
| Baesler      | Costello      | Gonzalez      |
| Baker (CA)   | Cox           | Goodlatte     |
| Baker (LA)   | Cramer        | Goodling      |
| Baldacci     | Crane         | Gordon        |
| Ballenger    | Crapo         | Goss          |
| Barcia       | Cremeans      | Graham        |
| Barr         | Cubin         | Green         |
| Barrett (NE) | Cunningham    | Gunderson     |
| Barrett (WI) | Danner        | Gutknecht     |
| Bartlett     | Davis         | Hall (TX)     |
| Barton       | de la Garza   | Hancock       |
| Bass         | Deal          | Hansen        |
| Bateman      | DeFazio       | Harman        |
| Bentsen      | DeLauro       | Hastert       |
| Bereuter     | DeLay         | Hastings (WA) |
| Bevill       | Diaz-Balart   | Hayworth      |
| Bilbray      | Dickey        | Hefley        |
| Bilirakis    | Doggett       | Hefner        |
| Bliley       | Dooley        | Heineman      |
| Blute        | Doolittle     | Hilleary      |
| Boehlert     | Dornan        | Hobson        |
| Boehner      | Doyle         | Hoekstra      |
| Bonilla      | Dreier        | Hoke          |
| Bono         | Duncan        | Holden        |
| Borski       | Dunn          | Horn          |
| Brewster     | Edwards       | Hostettler    |
| Browder      | Ehlers        | Houghton      |
| Brown (OH)   | Ehrlich       | Hunter        |
| Brownback    | Emerson       | Hutchinson    |
| Bryant (TN)  | Engel         | Hyde          |
| Bryant (TX)  | English       | Inglis        |
| Bunn         | Ensign        | Istook        |
| Bunning      | Everett       | Jacobs        |
| Burr         | Ewing         | Jefferson     |
| Burton       | Fawell        | Johnson (CT)  |
| Buyer        | Fields (TX)   | Johnson (SD)  |
| Callahan     | Flanagan      | Johnson, Sam  |
| Calvert      | Foley         | Jones         |
| Camp         | Forbes        | Kanjorski     |
| Canady       | Fowler        | Kaptur        |
| Castle       | Fox           | Kasich        |
| Chabot       | Franks (CT)   | Kelly         |
| Chambliss    | Franks (NJ)   | Kennelly      |
| Chenoweth    | Frelinghuysen | Kim           |
| Christensen  | Frisa         | King          |
| Clement      | Funderburk    | Kingston      |
| Clinger      | Furse         | Klecza        |
| Coble        | Gallegly      | Klink         |
| Coburn       | Ganske        | Klug          |
| Coleman      | Gekas         | Knollenberg   |

|             |               |             |
|-------------|---------------|-------------|
| Kolbe       | Neumann       | Siskiy      |
| LaHood      | Ney           | Skeen       |
| Largent     | Norwood       | Skelton     |
| Latham      | Nussle        | Smith (MI)  |
| LaTourette  | Obey          | Smith (NJ)  |
| Laughlin    | Ortiz         | Smith (TX)  |
| Lazio       | Orton         | Smith (WA)  |
| Leach       | Oxley         | Solomon     |
| Lewis (CA)  | Packard       | Souder      |
| Lewis (KY)  | Pallone       | Spence      |
| Lightfoot   | Parker        | Spratt      |
| Lincoln     | Paxon         | Stearns     |
| Linder      | Payne (VA)    | Stenholm    |
| Lipinski    | Peterson (FL) | Stockman    |
| Livingston  | Peterson (MN) | Stump       |
| LoBiondo    | Petri         | Stupak      |
| Longley     | Pickett       | Talent      |
| Lucas       | Pombo         | Tanner      |
| Luther      | Pomeroy       | Tate        |
| Maloney     | Porter        | Tauzin      |
| Manton      | Portman       | Taylor (MS) |
| Manzullo    | Poshard       | Tejeda      |
| Markey      | Pryce         | Thomas      |
| Martini     | Quillen       | Thornberry  |
| Mascara     | Quinn         | Thornton    |
| McCarthy    | Radanovich    | Thurman     |
| McCollum    | Rahall        | Tiahrt      |
| McCrery     | Ramstad       | Torkildsen  |
| McDade      | Regula        | Torricelli  |
| McHale      | Richardson    | Trafficant  |
| McHugh      | Riggs         | Upton       |
| McInnis     | Roberts       | Volkmer     |
| McIntosh    | Roemer        | Vucanovich  |
| McKeon      | Rogers        | Waldholtz   |
| McNulty     | Rohrabacher   | Walker      |
| Metcalf     | Ros-Lehtinen  | Wamp        |
| Meyers      | Roth          | Watts (OK)  |
| Mica        | Roukema       | Weldon (PA) |
| Miller (FL) | Royce         | Weller      |
| Minge       | Salmon        | White       |
| Moakley     | Sanford       | Whitfield   |
| Molinari    | Saxton        | Wicker      |
| Montgomery  | Scarborough   | Wilson      |
| Moorhead    | Schaefer      | Wolf        |
| Moran       | Schiff        | Woolsey     |
| Morella     | Seastrand     | Wyden       |
| Murtha      | Sensenbrenner | Young (AK)  |
| Myers       | Shadegg       | Zeliff      |
| Myrick      | Shaw          | Zimmer      |
| Neal        | Shays         |             |
| Nethercutt  | Shuster       |             |

## NOT VOTING—28

|              |             |             |
|--------------|-------------|-------------|
| Allard       | Gillmor     | Stark       |
| Andrews      | Greenwood   | Taylor (NC) |
| Becerra      | Hayes       | Torres      |
| Boucher      | Herger      | Tucker      |
| Chapman      | Hinchee     | Walsh       |
| Chrysler     | Johnston    | Waxman      |
| Collins (MI) | Lofgren     | Weldon (FL) |
| Deutsch      | Mfume       | Young (FL)  |
| Ford         | Miller (CA) |             |
| Frost        | Rangel      |             |

□ 0959

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Chrysler against.

Mr. Johnston of Florida for, with Mr. Weldon of Florida against.

Messrs. POMEROY, FRANKS of New Jersey, and DE LA GARZA, Mrs. MALONEY, Ms. FURSE, and Messrs. COLLINS of Georgia, MARKEY, and ENGEL changed their vote from "aye" to "no."

Mr. FAZIO of California, Mr. MEEHAN, and Mr. STUDDS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Chairman, during rollcall vote No. 112 on H.R. 667 I was unavoidably detained. Had I been present I would have voted "no."

□ 1000

## AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS: After subsection (b) of section 504, insert the following new subsection (and redesignate subsequent subsections accordingly):

"(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

"(1) legislation that provides for pretrial release requirements at least as restrictive as those found in section 3142 of title 18, United States Code; or

"(2) legislation that requires an individual charged with an offense for which a sentence of more than one year may be imposed, or charged with an offense involving violence against another person, may not be released before trial without a financial guarantee to ensure appearance before trial."

The CHAIRMAN. The gentleman from California [Mr. RIGGS] is recognized for 10 minutes.

Mr. RIGGS. Mr. Chairman, my amendment is intended to address the twofold problem of jail overcrowding in many of our communities across the country today, and also it is designed to address the problem of instances where individuals who have been arrested for serious crimes and violent offenders are being released back into our communities after arrest on their own personal recognizance and promise to appear in court.

This has become a particularly exaggerated problem in our communities because in many instances, these individuals are not only failing to appear in court to stand trial on original charges, but too often are going back out into our communities and are committing additional crimes. My amendment might be known as the jail, not bail, amendment to H.R. 667.

Under my amendment, each State would be given the flexibility to use up to 15 percent of its funding under the act for jail construction. However, the chief law enforcement officer of each State, the Attorney General, would have to find that in order for the local communities to utilize these funds, that the State has adopted pretrial release restrictions that are at least as restrictive as those in effect in the Federal system, or that individuals charged with serious offenses or crimes of violence are not released without security. That means without the requirement of posting a commercial bail bond.

Mr. Chairman, I wish to underscore to my colleagues that this is not a mandate, only an additional option for each State that qualifies and utilizes funding under this act.

Let me go back to the original problem that I mentioned, which is the problem of jail overcrowding. There is

clearly a need for greater prison capacity in each of our States.

In many instances, and I know this certainly is the case in California, our local jails, and these are the county-run facilities, are often holding individuals who have been convicted of felony charges and are awaiting transfer to State prison, so my amendment is designed to recognize the problem of jail overcrowding and recognize the fact that, again, local correctional facilities are often being used as an adjunct of the State penal system.

Mr. Chairman, we all know that jails are a less secure facility than a prison. Jails are designed to detain temporarily prior to trial those who have been charged with a crime, or to incarcerate minor offenders. Increased enforcement efforts and a heightened public concern about crime have added the pressure on all of our correctional facilities, but certainly, again, our local correctional facilities in communities throughout America.

Let me turn to the other issue, Mr. Chairman, which is the question of requiring secured bail from offenders, and these are individuals who have been charged with crimes, versus free bail, which is the practice of releasing individuals right back out into the community on what is known as OR, their own recognizance, and their personal promise to appear in court at a later date to stand trial on the original charges.

According to the Justice Department's own statistics, 60 percent, 60 percent of State felony defendants who are released prior to trial are not required to post bail. This has created an unintended effect in our local communities, because one-third of these individuals are either rearrested for a new offense before trial, or fail to appear in court as scheduled. Of course, as we all know, failure to appear in court on original charges is in and of itself an additional crime.

Mr. Chairman, of those already on pretrial release, 56 percent are released again when arrested on new felony charges. That literally boggles the mind, the notion that somebody could be released on a felony charge, and this is an initial crime, for an initial crime and an initial arrest, released back into the community, again many times simply on their written promise to appear in court at a later date, and then commit additional felony crimes.

What we know from the research is that those on secured release, that is to say, those who have been required or who have associates or relatives who have assisted them in posting a commercial bail bond, are far more likely to come back to court and answer the charges against them than those who are released on their own recognizance. Fewer people are rearrested while out on secured release.

My amendment, by requiring in most instances the posting of a cash bail, would save the taxpayer money, since

private industry is then put in a position of monitoring criminal defendants and not taxpayer-supported officials.

Mr. Chairman, the justice system should favor the victim, not the criminal. That is the common theme that runs throughout our efforts here on the floor over the last few days as we enact the crime provisions, the anticrime provisions, I should say, in the Contract With America.

My amendment, like the rest of the Contract With America, will reduce Government, reduce taxes, and reduce crime.

RIO DELL POLICE DEPARTMENT,  
Rio Dell, CA, December 29, 1994.

DEAR CONGRESSMAN RIGGS, I am writing to you on behalf of the Law Enforcement Chiefs Association of Humboldt County. We are facing a critical point in trying to enforce the laws of this state and country. Due to the Humboldt County Jail capacity rating of 200 inmates, we are being forced to cite and release persons for auto theft, persons committing burglary and other types of felonies. All misdemeanors have to be cited and released in the field.

The problem with the cite and release system is that these persons are given a date and time to appear in court. Problem is, they never show up for their court appearance. So then a warrant is issued for them. They are picked up, arrested, and cited and released again. These subjects know they are not going to go to jail, so they don't show up in court, again and again. This goes on and on, month after month, year after year.

It has gotten to the point that it is causing a morale problem with all police officers in all law enforcement agencies in Humboldt County. If a citizen knows that a subject was picked up, arrested, then they think that this person is in jail. So next, they see them on the street the same day and then they come after the officers, wanting to know why the person is not in jail. The officers try to explain to them the way the system is working. But the citizens don't care about that. They blame the police officers and the police departments because these subjects are back out on the street. Ninety five per cent (95%) of the warrants we get from the court state, "Do not cite and release. Mandatory appearance requested." We still have to cite and release these persons because the jail will not take them.

We have a new jail being built that will not be completed until 1997. And even then we will be back to square one again. Within thirty days, we will be facing the same problem again as the new jail will not hold over 250 inmates.

We are losing the streets to these criminals because of the system. They know that if they are arrested, all we can do is cite and release them again. Point. My department arrested the same person three times in one week for burglary. We have had to cite and release persons with over \$100,000 in warrants because they did not meet the criteria to be housed in the County Jail.

We are seeking your help in securing the abandoned Navy facility at Centerville Beach in Humboldt County to be used as a County Jail Farm with the following usage; to house all these subjects with these outstanding warrants and persons that are arrested that did not meet the criteria for the main jail.

Also, we wish to establish Project Challenge. At one time, we had Project Challenge but we lost the funds because the state cut funds on us. Project Challenge deals with drug users who will work with us to try to

get off drugs, try and make useful citizens out of them.

The Centerville Beach Navy facilities face the Pacific Ocean. It has all the equipment that would be needed. It has its own power system, if needed. It has a large gymnasium that would be beneficial for the inmates, and a large kitchen. There is over 17 acres, nine of those acres could be farmed and used to raise cattle that could be used to feed the inmates at this facility and those at the main jail. They could farm produce.

We, the Chiefs of Law Enforcement of Humboldt County, believe that if we can secure this facility, and if inmates are kept busy and with the clean environment that this location has, it is possible to turn some of these inmates around and make useful citizens out of them. Get these people on the right path and out of the system.

No inmate would be released from this location as it is ten miles out from any city. So all inmates would be transported back to the main jail in Eureka and released from that location.

We, the Chiefs of Law Enforcement Association of Humboldt County, hope that you can help us secure funds, possibly from the new Crime Bill, to secure the facility. We will be forever indebted to you for any help that you can render us.

Sincerely,

G.P. GATTO,  
Chief of Police.

[From the Times-Standard, Feb. 8, 1995]

FEDERAL FUNDS FOR POLICE OK'D

(By Kelly Johnson and Christopher Rosche)

Help is on its way in the fight against crime in Eureka, city officials said Tuesday.

Arcata, Fortuna, Rio Dell and the Del Norte County Sheriff's Department also will receive money to cover part of the cost of one new officer each.

The Justice Department announced the grants to the three cities Tuesday as part of anti-crime legislation Congress approved last year. President Clinton, who supported the legislation, had earlier promised federal seed money to put 100,000 more police officers on the nation's streets.

Tuesday's grants went to communities having populations of less than 50,000. California was cleared to receive \$16 million to help hire 212 additional officers in cities throughout the state.

Eureka will receive \$75,000, Mayor Nancy Flemming told the City Council at a meeting Tuesday night.

Police Chief Arnie Millsap is interviewing officers to fill current vacancies, she said, calling the interviews an "important step forward."

"They're on their way, folks, and it is going to help," she said of the new officers.

Arcata and Fortuna also are eligible for the maximum \$75,000. Rio Dell could receive up to \$66,883.50, the Justice Department said.

Del Norte County's cap is \$70,292.25.

The money to all agencies, however, will not be available until the new officers are sworn in.

The communities in line to receive money must also submit budget information and community-policing plans.

In Eureka, Mayor Flemming thanked her City Council colleagues Tuesday night for "moving forward aggressively to get all these frightening numbers down and get our city back the way we want it."

Legislation introduced by state Assemblyman Dan Hauser, D-Arcata, also would help, Councilwoman Jean Warnes said. His bill would require the state to transport Pelican Bay State Prison parolees back to the counties in which they were convicted.

She urged residents to call or write Rep. Frank Riggs, R-Windsor, for help in fighting

crime in Eureka. The city can use its high crime statistics to show the state and federal government that Eureka needs even more help, she said.

In a sampling of two dozen California cities, Eureka appeared to have a 1993 per capita crime rate second only to Oakland's. City statistics show that property crimes in Eureka sharply increased from 1993 to 1994.

A big problem, officials said, is Humboldt County's "cite and release" jail policy. People who commit nonviolent crimes are released because the jail is too crowded.

That policy is "scaring us to death," Flemming aid.

Councilman Jim Worthen said he personally will ask federal representatives for help when he travels to Washington, D.C., next month on behalf of the National League of Cities.

Eureka also must continue to work with other local cities to find solutions to the crime problem, Councilman Lance Madsen said.

In its fight against crime, Eureka has to do something about the "conspiracy and blackmail by the homeless movement," Councilman Jack McKellar said. But the city is limited in what it can do about the homeless problem by state and federal requirements and possible legal challenges, he said.

On Capitol Hill, the new Republican majority is working on anti-crime bills that would replace the grants earmarked for police hiring, drug courts and social programs with combined block grants. The money would go directly to local officials who would determine, within some limits, how it would be spent.

The new legislation would not, however, cancel police grants already awarded.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I am happy to yield to the gentleman from Florida, the distinguished subcommittee chairman.

Mr. McCOLLUM. I think the gentleman offers an excellent amendment, Mr. Chairman. What he is doing is carving out an ability for the States, if they want to, to use up to 15 percent of their money for jail construction and jail operation, not just State prison moneys; prison construction, provided that they have the same type of strong, tough bonding requirements on pretrial release that the Federal Government has.

I think that is a very constructive amendment. It limits the amount that could be used for the jail purposes, keeps within the concept of what the prison grant program is all about, and it would add a condition which some States will meet. Some States will not, but it is an excellent carrot, as well, for that purpose, so I commend the gentleman on his amendment.

Mr. RIGGS. I would like to point out, to follow up what the subcommittee chairman said, that we do have current statistics or recent year statistics from the Justice Department, and I would like to point out to my colleague on the other side of the aisle that in the calendar year 1992, and this is Justice Department statistics for those arrested on serious charges, 37 percent of those arrested for violent offenses were released on a nonfinancial basis; 24 percent were released simply on their own

recognizance and personal promise to appear in court at a later date.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I am curious about the gentleman's amendment. If the court were to devise or a jurisdiction were to devise a system which allowed for a deposit, say, of 10 percent of the amount of bail with the court, refundable if the defendant showed up for trial, would that be an acceptable alternative to buying a bail bond from a private bail bondsman under this proposal?

□ 1010

Mr. RIGGS. Reclaiming my time to respond to the gentleman, because I think that is a very legitimate question, it is the intent of my amendment to let the States develop those standards.

Mr. BERMAN. So one would not be required to utilize a private bail bondsman under this proposal.

Mr. RIGGS. The gentleman is correct, that would not necessarily be the requirement.

Mr. BERMAN. One more question. If the jurisdiction in certain kinds of situations offers a kind of confinement, home monitored confinement or some other alternative to assure themselves the individual's presence, is that a suitable alternative?

It is different, it is more restrictive than OR. It provides security for the law enforcement authorities about where the individual is. Is that an acceptable alternative to buying a private bail bond?

Mr. RIGGS. I think the gentleman makes some very constructive observation and questions, and I appreciate them. As the author of the amendment and maker of the motion I would find that to be an acceptable alternative to simply releasing an offender or defendant on personal recognizance.

Mr. BERMAN. Could I suggest then instead of casting this in terms of without a financial guarantee, strike the word; either put financial guarantee or other suitable guarantee. I think that perhaps will solve the problem, other suitable guarantee.

Mr. RIGGS. Reclaiming my time, I would like to give some further thought to the gentleman's suggestion. What we are striving for here though is a financial guarantee in most instances, not all, but most, because again, the evidence clearly shows that the financial guarantee is much more likely to ensure the defendant's return to court or an appearance in court to stand trial on the initial charges, No. 1, and much less likely to commit a subsequent crime while free on release.

Mr. BERMAN. If the gentleman will continue to yield, and I appreciate him doing so, I do not have my own knowledge of the statistics, but I accept the proposition, and I know that in some jurisdictions there are creative alter-

natives, electronic monitoring devices that ensure the individual cannot leave the home without the authorities knowing, these kinds of things.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from California [Mr. RIGGS] has expired.

(On request of Mr. BILBRAY and by unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I think this issue is the old bracelet concept. As an individual who has operated the system for 10 years, I just would like to point out to my colleague from California that we are really talking about apples and oranges here. This is a great system. We have used it as an alternative to incarceration, but as far as I know they are being used for presentenced individuals, they are not for sentenced individuals, as an addendum to incarceration, not as a guarantee to come back, because there is that issue of processing that has been addressed again and again. We have used that very effectively in San Diego County and across California, but to use it in lieu of bonding, I think we have administrative problems.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Let me suggest at this point to the gentleman that we can informally meet to discuss this.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding the time. I will just be very quick.

The amendments as proposed is an absolute requirement of a financial guarantee. The gentleman from California, from San Diego spoke about his experiences. He may be right about San Diego. I think there are some other jurisdictions where alternative systems, not simply OR release, but alternative systems are utilized to monitor a defendant in the pretrial phase, and I think providing a little bit of flexibility in this provision so we do not rule out those nonfinancial situations as well as what the gentleman has already done would help to make it clear that you do not have to buy a private bail bond and the gentleman does not intend this to be a bail bondsman bill. This is for law enforcement, and there should be alternatives to the bail bondsman clearly that those are allowed. Those are the only suggestions I would have.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California.

Mr. RIGGS. I appreciate the gentleman yielding. Again I would be happy to look at the language that would address, as the gentleman from California put it, alternative arrangements. But I would refer the gentleman to paragraph one under clause c in my amendment which allows the Attorney General to make the determination if States have enacted pretrial release requirements, and that is fairly broad, at least as restrictive as those found in the Federal system. And I think the gentleman may be looking at just the second paragraph which talks about a financial guarantee.

Mr. BERMAN. If I can just reclaim my time, section 3142 is what? In other words, at least as restrictive as those in 4132? Those allow alternatives to financial guarantees.

Mr. RIGGS. If the gentleman would withhold for a moment, we can perhaps go right to the United States Code and find those provisions. Will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from California.

Mr. RIGGS. Under section 3142, which runs a couple of pages at least, it does speak at the beginning of that section about release or detention of a defendant pending trial, and I quote,

Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—(1) released on personal recognizance or upon execution of an unsecured appearance bond.

That is under subsection b of the section.

Mr. BERMAN. Just to reclaim my time, if what I hear is correct, since the gentleman is providing in subsection c the alternatives of one or two, then the alternatives described in 3142 are sufficient if they exist at the State level to qualify for this provision?

Mr. RIGGS. The gentleman is correct. I think that would address the gentleman's concern.

Mr. BERMAN. Therefore, it is not an automatic requirement of a financial guarantee?

Mr. RIGGS. The gentleman is correct.

Mr. BERMAN. It is that or the provision set forth in section 3142?

Mr. RIGGS. The gentleman is correct.

Mr. BERMAN. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a disturbing proposal for the following reasons: We are first of all dealing with pretrial and we are requiring cash bail. What if the person does not have cash? What if the person does not have any previous convictions? It is not clear to me at all why we need to be micromanaging into the 50 States in the Union to determine how they ought to have bail requirements in each State, and it is because of that that I do not have any sympathy for creating new micromanaged

requirements that would take 15 percent out of the prison construction to allow for jail construction if in fact we merely tighten up the bail requirement by requiring cash at the beginning when guilt or innocence has not yet been proven.

So I am disturbed about this amendment, and since it has not been passed through the Justice Department, they have given us no indication that they would be supportive of it, and I do not remember it coming up in the committee during the discussion of the crime bill, I am very unexcited about here, with a dozen Members on the floor, we are now going to create another micromanagement position for the States.

□ 1020

And I thoroughly think that we should be getting kind of full of telling States of how to manage their criminal justice system.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. SCOTT. I would like to ask the gentleman: You have indicated we did not have hearings, so we did not have an opportunity to flesh out the constitutional implications.

Do you have any idea how the various States will be affected by this amendment?

Mr. CONYERS. Well, because there was no hearings, we are trying to see how this even fits into the Federal Criminal Code and into the existing sections, and even into the bill itself. So bringing something of this magnitude down on the floor is just to me something that we do not need to deal with now. I mean, maybe there was some reason this did not come up in the hearings, but there is no way that I am going to now suggest that on all of the things that we have put on the States that we are now going to tell them how they ought to handle their pretrial bail circumstances.

You know, can I suggest that maybe some bail bondsman's organizations may be, politely, behind some of this emphasize to create new requirements that would need their services? Because I do not know why else we would want to do it this way, and the gentleman is even thinking about the suggestion of the gentleman from California [Mr. BERMAN] that maybe even if it could be paid into the courts would be at least a small amelioration of the problem that I see, and the gentleman is still reflecting on that.

So, as you can tell, there is very little enthusiasm on this side of the aisle for the amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking Member for yielding to me.

I guess my concern goes substantially beyond the ones that have been

expressed and back to the provisions of the fourth amendment to the Constitution which says excessive bail shall not be required, and yet here we are kind of micromanaging the State courts again and having it done by a group of people who have told us that they believe in all these States' rights, and all of a sudden we are telling the States what to do in every area of the court system, every area of the incarceration system. That is basically where I am.

I mean, I just cannot understand why States' rights advocates are consistently coming into this body and micromanaging what the States have been doing. We have had no involvement in all of this time. I just have trouble understanding that.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the distinguished ranking Member for yielding to me.

Mr. Chairman, I want to point out again, as I said in my opening remarks, that my amendment will give greater flexibility to States by permitting those that adopt strict pretrial release practices or, speaking to the concern of the gentleman from California, require cash bail for defendants charged with serious and violent crimes to use some of the funds under the act for jail construction.

This is not a new mandate. It is simply an additional option, and I appreciate the gentleman yielding.

Mr. CONYERS. May I suggest that we do not know what the various States are really doing on a State basis, and so we now have another qualification in the prison construction bill that tells the States what they must do to qualify for construction funds, and then we are now telling them how to run bail bonding at the same time, and then the gentleman from California [Mr. RIGGS] is resisting the modest proposal of the gentleman from California [Mr. BERMAN] which might make it at least palatable to the gentleman from California [Mr. BERMAN], even if it is does not for myself.

So I now find myself more often defending States' and local governments' rights to determine what their laws are going to be. Is there some assumption built into this amendment the States do not know when they have a dangerous crime or a person who may not show up in court, and that the only way that we are going to get them to show up in court is that we give a 15-percent set-aside in prison construction money for them to build more jails? And is that the real reason that they are not keeping people who you apparently think ought to be put on bail?

I mean, what are we doing in this process? Why are we here now? Merely because we have a crime bill to tell the courts that they are letting out too many people without getting cash bail and they are not coming back, and

they would come back faster if you put bail requirements, cash bail requirements, on them, and to make sure you do that, we will give you some money to build some more county jails or State jails?

I do not think this is something that this committee has investigated sufficiently for us on our side to give any blessing to it in this brief discussion.

Mr. HEINEMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. HEINEMAN. Mr. Chairman, I think we have reached an area where we are talking about micromanaging States as it relates to bail and other issues. This is an issue for the Congress to talk about, because it is a national issue; I think just as any other national issue, we do have standing in putting certain qualifications on the States, being it is a country issue, it is an issue of the United States as a whole, and just as there was a bubonic plague in this country at one point, we cannot expect one State to give inoculations and the others not to.

This is just as bad as a disease plague, this crime. We have to treat it across this whole country in the same way in order to have a national effect, and unless I am wrong, I think we do have standing in telling the States that they should be doing this in concert with all the States.

Mr. CONYERS. Reclaiming my time, I am not saying we do not have any right to look into this matter. All I am saying is that we had hearings, witnesses, markup, and now we meet on the floor to pass a pretty complex piece of legislation, and now it comes up, and so it is the timeliness part that I am inquiring into. I need a lot more information.

Mr. RIGGS. Mr. Chairman, I yield myself 1½ minutes, the remainder of my time.

Mr. Chairman, I want to make it very clear to my colleagues, because I think they are expressing genuine concerns, No. 1, I am not acting as a foil for the commercial bail bond industry. I somewhat resent that inference.

I am trying to address, however, a major public safety concern which is related to jail overcrowding and the fact that we have increasingly moved away from financial guarantees or alternative release provisions that will attempt to do two things; first, ensure that that individual appears in court at the scheduled date to stand trial on the original charges, and all the evidence is that they are much less likely to appear in trial if they are released back into the community on their own recognizance and personal promise to appear, much like signing a traffic citation.

And, second, we are attempting to cut down on the immediate recidivism. The criminal justice system should not have a revolving door at the front.



These individuals are going right back out into the community, many times beating the arresting officer back on the street, or committing subsequent serious crimes.

So I am addressing a major public safety concern. I am doing it in the form of flexibility to the States that want to, working with the State attorney general, adopt arrangements that will, in fact, lead to pretrial release form across this country.

□ 1030

That is the intent of my amendment.

Mr. CONYERS. Mr. Chairman, one final question, if I may. Will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, why do we assume the State courts cannot figure out that they need more jails to house people?

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment marked B.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: add at the end, the following new title:

**SEC. 1. BUREAU OF PRISONS COMMUNITY SERVICE PROJECTS.**

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

**“§4047. Community service projects**

“(a) Subject to the limitations of subsection (b), the Chief Executive Officer of a Federal penal or correctional facility may, as part of an inmate work program, provide services to private, nonprofit organizations, as defined in section 501(c)(3) of the Internal Revenue Code of 1986, or to a component of any State government or political subdivision thereof. Such services shall be provided pursuant to rules prescribed by the Attorney General.

“(b) Services provided under subsection (a)—

“(1) shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient; and

“(2) shall not displace an employee of the recipient or result in a reduction in hours, wages, or employment benefits of any employee of the recipient.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 303, title 18, United States Code, is amended by adding at the end the following new item:

“4047. Community service projects.”.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes.

Does a Member rise in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I am not in opposition to the amendment, but I would like to use the time allotted.

The CHAIRMAN pro tempore. Without objection, the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple and straightforward. I hope it is noncontroversial and we can dispose of it.

Mr. Chairman, the Bureau of Prisons has informed me that they have some questions that have been raised about their ability to be involved in community service projects with the 95,000 or so Federal prisoners around the country. This would make it possible for the law to let them go do a lot of community service projects, of course under restrictions, for private, nonprofit organizations or local cities or communities.

Apparently, right now the interpretation of the law is they can only do these community projects and work projects, if there is a Federal hook; that is, a Federal program or some Federal nexus being involved in the money perhaps that goes to the local community service group that they are providing work and assistance to.

This would allow them to go out to whatever nonprofit organization, city or county or political subdivision, whatever it may be, and provide community service.

We have been very careful to restrict this; it does not involve the production of any product that would go out, although that might be an arguable thing that we should allow them to do at some point in time in the prison industry. But this does not get involved in that, not involved in the debate over prison expansion or expansion of prison industries.

What it says is, inmate work programs can go out and help people as a community service, a volunteer thing, in lots of ways they are not now allowed to do.

I would think for the purposes of getting more work out of prisoners and getting them to do, giving them an opportunity to do a public service while they are at it, that this is a very good, simple amendment, appropriate to the bill with which we are dealing today. It is something they badly want.

I would encourage its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my concern here—and we just received this amendment—is that we are not getting into the very sensitive area of products being produced by inmates. There is a whole area that is very sensitive in this regard, and I am very concerned that that is not happening anywhere throughout this provision.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I have been careful to scrutinize this, very careful. When we saw some language in the Bureau of Prisons they felt was not offensive in that regard because it involved some nature of products which would be exempt normally from all the considerations, I even struck that language from the amendment.

So we are not offering anything that even has the word product in it so we do not get into that kind of debate. We have taken it out of there, any reference to the word product in the original language is gone from this amendment. It is strictly service; literally that is what it is, nothing else. Every reference to any kind of product or prison industry is gone.

What it reads now, so that we will be very clear is: “Subject to the limitations of subsection (b),” which is where we talk about the services provided,

\*\*\* the chief executive officer of a Federal or penal correctional facility may, as part of an inmate work program, provide services to private, nonprofit organizations, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 or to a component of any State government or political subdivision thereof.

Strictly of services.

(b) talks about the services, what the services can be,

\*\*\* shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient and shall not displace an employee of the recipient or result in a reduction in hours, wages, or employment benefits of any employee of the recipient.

It is really what it says it is, pure volunteer-type community service projects without displacing the worker at all.

As far as the section 501(c)(3) organizations, and State or local units of government, so there is no problem.

Mr. CONYERS. I believe this gentleman is satisfied as to the concern that I had. I see nothing but services throughout this, and that is the only word repeated throughout this, and the word “product” is crossed out.

I assume that what we see is what we get, and I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.



The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDIN: Page 8, strike lines 7 through 11, and insert the following:

- “(1) \$990,300,000 for fiscal year 1996;
- “(2) \$1,322,800,000 for fiscal year 1997;
- “(3) \$2,519,800,000 for fiscal year 1998;
- “(4) \$2,652,800,000 for fiscal year 1999; and
- “(5) \$2,745,900,000 for fiscal year 2000.

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order on the amendment.

I would like to hear the discussion first before I withdraw or otherwise deal with my point of order.

The CHAIRMAN pro tempore. The gentleman from Maryland [Mr. CARDIN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have offered is a modest cut in the dollars that are provided in this bill for additional prison construction. It is a cut of \$7.2 million per year. This will allow us flexibility when we consider H.R. 728, to reinstate the funding level for the GREAT program that was enacted in the 1994 legislation.

The GREAT program is the Gang Resistant Education and Training Program. It is a program that has been very successful, operated by Treasury with local law enforcement and school officials. It provides police officers in our 7th grade in our schools in order to work our youth to prevent gangs from developing. It has worked in many of our communities.

What it does is instill a better attitude with young people concerning police officers, which has been proven to deter gang activities.

Let me just cite some of the results quoted from the Arizona GREAT program. As a result of that program, we have seen a drop in the percentage of all ethnic groups who say they belong to a gang, who want to be gang members. The percentage of students who reported getting into various kinds of trouble decreased after participating in GREAT. The percentage of students who know gang members and who want to be gang members decreased after students participated in the GREAT program.

The GREAT program has worked. It currently is a partnership between the Federal Government and local law enforcement, along with our schools.

Mr. Chairman, we have a problem in Baltimore. I did not realize we had a gang problem in Baltimore. I have met with our police commissioner in our

city, Mr. Frazier. He has pointed out that we are starting to see more and more gang activity in our cities. As a result of the legislation passed last year by this Congress, Baltimore is now one of the 11 communities which have a GREAT program operating. It is going to provide police officers in our schools in Baltimore, working with our youth to deter gang activities.

Currently, there are nine communities that had GREAT programs, prior to the enactment last year of this legislation. As a result of last year's legislation, 11 more communities have this program. We are doubling the funds for the GREAT program. Originally only Hawaii; Phoenix; Albuquerque; Portland, Oregon; Kansas City; Detroit; Philadelphia; Tucson; and Prince Georges County had GREAT programs.

As a result of the legislation last year, Trenton, New Jersey; New York City; Washington; Boston; Miami; Memphis; Las Vegas; Los Angeles; Milwaukee; Wilmington; and Baltimore now are in this program.

Mr. Chairman, I am imploring the sense of fairness of all Members of this House. We are here to set priorities.

The amendment that I am suggesting will be a very modest cut in prison construction, \$7.2 million. According to the information that has been made available for me, the average cost of a medium-security prison would cost \$36 million today, and a maximum-security prison in Florence, CO, costs \$66 million. \$7 million will hardly build the entrance to these types of facilities or the reception center.

Compare that to building part of a prison, to developing 11 programs in our communities working with the police and students to stop gang activities.

□ 1040

Clearly we are better served by putting the money into our schools, putting the money into prevention. Yes, prevention. Last year we had a good balance between prevention and prison construction. I am just asking that in this one case a program in which the Federal Government has assumed a good deal of responsibility in making funds available to local governments, that we provide the wherewithal through this amendment so that we will be able to continue that program.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I will withdraw the reservation of a point of order.

The CHAIRMAN. The reservation of a point of order is withdrawn.

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland [Mr. CARDIN]. I did not see that there was any problem with this amendment technically. I do, however, oppose the amendment.

What the gentleman is attempting to do is take some money, strike it from this bill, x amount of dollars, and then

have it reserved or be able to argue next week, presumably when we bring up the prevention and the local block grant programs, that there is some money available to tack on that he saved to tack on some program for gang prevention.

First of all, I do not like the idea of taking any money out of the prison grant program. I think we got the right amount in here. I see no reason to do that, to reduce it by whatever sum, however paltry it may appear. I think these several millions of dollars over the 5-year period is not that paltry. It is pretty significant. It is, I think, \$7 million 1 year, a couple million another, and it all adds up to \$20 or \$30 million more.

But besides that, in principle we are beginning already by this amendment the debate on the local community block grant concept that is going to come up next week in the block grant bill where we are going to provide, or we do provide in that bill that will come out here on the floor, some \$10 billion to the local cities and counties to use as they see fit to fight crime. I am quite sure that when we get to that and we have that debate the point will be well made, and everybody here can see it and understand it, that the best arguments that the gentleman is going to make about having gang prevention programs will succeed in many cities. They will succeed, I think, in quite a number of them, probably in Baltimore, near his area, maybe in Orlando, in my city, when the plea is made to the city council or to the county commission who gets the moneys under that bill, but not every community needs gang prevention programs. Not every community has a gang problem, and it seems to me that that is the essence of what that debate next week is going to be.

We should provide resources to the cities and the counties with maximum flexibility to fight crime, to use in the best way they see fit in their particular community, because what is good for somebody in Fresno, CA, might not be good for somebody in New London, CT. It is an entirely different scenario in each case, and what the gentleman is suggesting doing here today is take some money, let us save some money today, so I can offer a specific, targeted, categorical grant program for gang prevention in a bill that will come up next week that is not even designed for categorical grants. It is designed entirely the opposition direction, for pure block grants with maximum flexibility that does not designate how this money is to be used, nor do you have to say you have to use it for that in order to qualify for it.

So, I have to oppose this amendment, do oppose it for both the reasons of its cutting the money out of this bill and because of the gentleman's stated purpose for doing it.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the Treasury Department's gang resistance education amendment is a worthy program, and I think the amount is small enough so that, if it is deleted from prison construction legislation, there will be no great harm done. It is not like we have a whole string of these. This is the only one of this kind that I know that has occurred, and I met several times with the Assistant Secretary of the Treasury, Ron Noble, who is fully committed to eliminating the influence of gangs through demonstration projects.

Now we all complain about the increase of gang participation. Here is something that we can do about it, and so I do not want to jeopardize this provision, and I support very enthusiastically the amendment.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for his comments.

Clearly we are here to make choices, and this is a very minor cut as far as prisons are concerned, cannot even build part of a prison of any significant size.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, this is a minuscule amount of money, but it is money that will actually work. Gang reduction programs work. A program was studied in a Spokane, WA, school. They used a school to offer at-risk youth a variety of recreational and educational activities just Friday and Saturday nights. There was a volunteer effort of local merchant-donated materials. There was an intense evaluation that found that crime was reduced in the area after the program was implemented. The view of police officers as positive role models by youth was enhanced, and most of the participants recommended the program to their friends.

This will reduce crime. The minuscule amount of money that will get lost in rounding off in the prison construction changed to this kind of program can do the most good. Mr. Chairman, I would hope that we would adopt this very worthwhile amendment.

Mr. CARDIN. Mr. Chairman, it is interesting that my friend from Florida [Mr. McCOLLUM] cannot point to any harm done by this amendment, yet the absence of enacting this amendment and providing the wherewithal will have severe consequences on communities that are trying to prevent gang activities, working with the police and working with the schools, and I would urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I just have to point out the fact that this is not minuscule, and any of us who get here and think that a million dollars, and this is much more than that, this is \$20, \$30 million when it cumulatively is looked upon over the 5-year life of this bill; anybody that thinks this is minuscule has really got blinders on. This is what the public gets outraged about, to think we can come up here and think that a million dollars, or \$2 million, or \$3 million, or \$7 million, or \$30 million, is minuscule. It is not. It is something, real money.

And the second point I would like to make is, yes, I do see some harm in this. This is the camel's nose under the tent, sure enough, because what the gentleman is suggesting is that we take this money and allow him then next week in a different bill to say and make the claim that he is using this money for categorical grant programs when this side of the aisle does not believe there ought to be categorical grant programs for prevention in general. We do not believe that the money ought to be designated by the Federal Government to go for gang prevention any more than we believe it ought to be designated to go for cops on the streets. We believe that the moneys that are submitted to the States, actually submitted directly to the counties and the cities in that bill to be offered out here next week, should be given to them to use in their sole discretion to decide whether they want to use it for gang prevention or something else. But we should not create special programs in this area that weed out all whys, and we do not know that.

So I think this is a very significant amendment. I think it is an amendment that thrusts us into the debate next week, and I think the gentleman from Maryland [Mr. CARDIN] knows good and well that it does, and I strongly oppose it for that reason.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, does the gentleman know what an average cost for a maximum security prison is today?

Mr. McCOLLUM. I do not have it off the top of my head, but I am sure it is more than your bill by quite a lot, or your amendment.

Mr. CARDIN. And the same thing with a medium security prison. We cannot build a prison for the amount of money that is in the amendment that I have brought forward, but yet in the absence of this amendment being made available, 11 communities will go without a program dealing with any antigang activities.

I think it is a clear choice.

Mr. McCOLLUM. Well, reclaiming my time, I would like to say to the gentleman, I don't believe any community is going to go without a gang pre-

vention program that wants it, and we're going to have a bill out here that provides to the cities and communities of this country over \$10 billion next week to use as they want to use. Surely those that want gang prevention programs and think they are important will be able to find a lot more than this gentleman's amendment would provide for that purpose next week.

Mr. WYNN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, I rise because I have to point out that just yesterday, after the gentleman tells us today that this money is for prisons and should only be used for prisons, just yesterday, when we were debating the question of unallocated funds, the gentleman hurriedly put together an amendment to send these unallocated funds back to the Federal Government, not to the local governments that he says ought to be the decisionmaking entities, but rather back to Federal Government to build Federal courthouses—

Mr. McCOLLUM. First of all, reclaiming my time, we did not send the money back by that amendment to build Federal courthouses. We sent it back for very severe law enforcement purposes, including the FBI, the—

Mr. WYNN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will not right now—to criminal investigators of the INS and for purposes of building more Federal prisons, if that is what is needed.

Second, what we are dealing with are apples and oranges here. We are dealing with are apples and oranges here. We are dealing with a question of prevention programs versus prisons. We are dealing with two different things here.

□ 1050

Yesterday we were dealing with a question of the unallocated funds if we do not use them all up. Today we are stripping money out altogether, not designating 36 or however many million dollars for some other purpose if it is not used in this bill. We are actually stripping money out of this bill altogether presumably so the gentleman from Maryland [Mr. CARDIN] can make an argument next week that he saved this money for another amendment that he can offer for a categorical grant program that this side of the aisle simply does not believe with in principle. Not that we do not believe there should be gang prevention programs, but we do not believe that the Federal Government should be dictating through categorical grants that you have got to have a gang prevention program to get X amount of money. That is the difference.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] has 3 minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 3 minutes remaining.

Mr. CARDIN. Mr. Chairman, I am glad to yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to go back to this point, because I was on the floor when we had the debate about unallocated funds, and I want to really heighten the contradiction that has taken place here today.

In point of fact, the gentleman from Florida did allocate money to Federal courthouses and Federal prosecutors, and, by his own statement, INS, another Federal agency. I do not know how we got from local prison funds back to the INS and back to the FBI and back to the Alcohol, Firearms and Tobacco Bureau and back to Federal courthouses, because that was the testimony of the gentleman from Kentucky [Mr. ROGERS] on this floor when he said yes, we need more Federal courthouses and more Federal prosecutors and we need more Federal this and that.

The fact of the matter is the gentleman had no problem taking money out of the program, unallocated funds, and sending them back to the Federal Government, but yet now when we have the very legitimate program that deserves attention, he resists taking a very small amount of money for a very worthwhile cause.

It seems to me that gang prevention is a better use of our dollars than continuing to build these prisons or, as what happened yesterday, sending money back to Federal agencies.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to respond to the gentleman from Maryland [Mr. WYNN] who made the points he did. Yesterday's amendment that he keeps referring to, there was some confusion during the discussion, but there was absolutely no money and is no money being allocated or reserved or blocked off that is not used for the grant programs under the prison program here today for the possible use in constructing or operating a Federal courthouse.

There were several provisions being made though in case the money is not used up in this bill, in case the States do not use it all. I think they will use it all for building prisons or operating State prisons, but if they do not, then the appropriators may use the moneys left from these grant programs at the end of the periods of time out where they are not used, for the purpose of the Federal Bureau of Investigation, INS investigators, U.S. attorneys, as I recall, and the National Institute of Justice for Technology Development.

I believe that was the limit of what we did yesterday. The point is still the same, and that is that Mr. CARDIN's

amendment is not designed to tell us where to put unallocated, unused funds in this bill. The gentleman is striking several million dollars from this bill altogether. That is quite a different matter.

I am strongly opposed to that, and I am strongly opposed to the principles being espoused to use that money, to hold it back somehow so it might support an argument on an amendment next week that we set up a new categorical grant program which will be in violation of the basic principles of the bill produced next week.

So I am very strongly opposed to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Florida [Mr. McCOLLUM] is pretty direct in that there is no money left over, so this is the only opportunity we have to preserve the GREAT anti-gang program.

There are two parts to this program, if I could point out to my friend from Florida. One is yes, it preserves the money, which is absolutely essential if we are going to be able to have the programs continued. But it does a second thing. The GREAT Program is a partnership in more than just dollars with Federal law enforcement. It also is co-operation between Federal law enforcement and local law enforcement. The police officers locally are trained through the National Police Service, so we use the training facilities nationally. Without the Federal program existing, it is going to be much more difficult to be able to continue this type of partnership.

I would urge my colleague to think about what we are doing here today. We are here to make choices. We have passed many amendments that restrict what States can do, how they can receive moneys for prison construction. When it suits us, we have a Federal involvement in micro-managing and establishing national priorities, however you want to characterize it. When it is appropriate for us to say we cannot let people out on their own recognizance, to get Federal funds, we say that. If the locals must have certain guidelines on sentencing, we say that.

But I would hope that we would have a national policy that our law enforcement people would work with local law enforcement to stop juvenile gang activities, to work in our schools. The GREAT Program offers us that opportunity. This amendment preserves it, and I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume, only to say in closing that this amendment would strike a sizable amount of money, several millions of dollars from the Prison Grant Program. The bottom line of what it does

is try to lay a predicate for a debate next week over the whole premise of the local community Block Grant Program.

It would be an undermining amendment. It is a camel's nose under the tent. It is a bad amendment, and I urge a no vote.

Mr. CARDIN. Mr. Chairman, I urge my colleagues to support the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. CARDIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 10, as follows:

[Roll No. 113]

#### YEAS—129

|              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Foglietta     | Nadler        |
| Ackerman     | Frank (MA)    | Neal          |
| Barrett (WI) | Gejdenson     | Oberstar      |
| Beilenson    | Gephardt      | Obey          |
| Bentsen      | Gibbons       | Olver         |
| Berman       | Gonzalez      | Ortiz         |
| Bishop       | Green         | Owens         |
| Bonior       | Gutierrez     | Pastor        |
| Borski       | Hall (OH)     | Payne (NJ)    |
| Brown (CA)   | Hastings (FL) | Pelosi        |
| Brown (FL)   | Hefner        | Pomeroy       |
| Brown (OH)   | Hilliard      | Porter        |
| Bryant (TX)  | Hinchey       | Rangel        |
| Cardin       | Hoyer         | Reynolds      |
| Clay         | Jackson-Lee   | Richardson    |
| Clayton      | Jacobs        | Rivers        |
| Clyburn      | Jefferson     | Roybal-Allard |
| Coleman      | Johnson (CT)  | Rush          |
| Collins (IL) | Johnson, E.B. | Sabo          |
| Conyers      | Kennedy (MA)  | Sanders       |
| Coyne        | Kennedy (RI)  | Schroeder     |
| Cramer       | Kildee        | Scott         |
| de la Garza  | Klecza        | Serrano       |
| Deal         | LaFalce       | Shays         |
| DeFazio      | Lantos        | Skaggs        |
| DeLauro      | Levin         | Slaughter     |
| Dellums      | Lewis (GA)    | Stokes        |
| Dicks        | Luther        | Studds        |
| Dingell      | Markey        | Tejeda        |
| Dixon        | Matsui        | Thompson      |
| Doggett      | McCarthy      | Torres        |
| Dooley       | McDermott     | Towns         |
| Durbin       | McKinney      | Tucker        |
| Edwards      | McNulty       | Velázquez     |
| Ehlers       | Meehan        | Vento         |
| Engel        | Meek          | Waters        |
| Eshoo        | Mfume         | Watt (NC)     |
| Evans        | Miller (CA)   | Waxman        |
| Fattah       | Mineta        | Williams      |
| Fazio        | Mink          | Woolsey       |
| Fields (LA)  | Moakley       | Wynn          |
| Filner       | Mollohan      | Yates         |
| Flake        | Moran         |               |

#### NAYS—295

|              |             |              |
|--------------|-------------|--------------|
| Allard       | Bevill      | Buyer        |
| Andrews      | Bilbray     | Callahan     |
| Archer       | Bilirakis   | Calvert      |
| Armey        | Bliley      | Camp         |
| Bachus       | Blute       | Canady       |
| Baessler     | Boehlert    | Castle       |
| Baker (CA)   | Boehner     | Chabot       |
| Baker (LA)   | Bonilla     | Chambliss    |
| Baldacci     | Bono        | Chapman      |
| Ballenger    | Boucher     | Chenoweth    |
| Barcia       | Brewster    | Christensen  |
| Barr         | Browder     | Chrysler     |
| Barrett (NE) | Brownback   | Clement      |
| Bartlett     | Bryant (TN) | Clinger      |
| Barton       | Bunn        | Coble        |
| Bass         | Bunning     | Coburn       |
| Bateman      | Burr        | Collins (GA) |
| Bereuter     | Burton      | Combest      |

|               |               |               |
|---------------|---------------|---------------|
| Condit        | Johnson (SD)  | Radanovich    |
| Cooley        | Johnson, Sam  | Rahall        |
| Costello      | Jones         | Ramstad       |
| Cox           | Kanjorski     | Reed          |
| Crane         | Kaptur        | Regula        |
| Crapo         | Kasich        | Riggs         |
| Cremeans      | Kelly         | Roberts       |
| Cubin         | Kennelly      | Roemer        |
| Cunningham    | Kim           | Rogers        |
| Danner        | King          | Rohrabacher   |
| Davis         | Kingston      | Ros-Lehtinen  |
| DeLay         | Klink         | Rose          |
| Deutsch       | Klug          | Roth          |
| Diaz-Balart   | Knollenberg   | Roukema       |
| Dickey        | Kolbe         | Royce         |
| Doolittle     | LaHood        | Salmon        |
| Dornan        | Largent       | Sanford       |
| Doyle         | Latham        | Saxton        |
| Dreier        | LaTourette    | Scarborough   |
| Duncan        | Laughlin      | Schaefer      |
| Dunn          | Lazio         | Schiff        |
| Ehrlich       | Leach         | Schumer       |
| Emerson       | Lewis (CA)    | Seastrand     |
| English       | Lewis (KY)    | Sensenbrenner |
| Ensign        | Lightfoot     | Shadegg       |
| Everett       | Lincoln       | Shaw          |
| Ewing         | Linder        | Shuster       |
| Farr          | Lipinski      | Sisisky       |
| Fawell        | Livingston    | Skeen         |
| Fields (TX)   | LoBiondo      | Skelton       |
| Flanagan      | Longley       | Smith (MI)    |
| Foley         | Lowey         | Smith (NJ)    |
| Forbes        | Lucas         | Smith (WA)    |
| Fowler        | Maloney       | Solomon       |
| Fox           | Manton        | Souder        |
| Franks (CT)   | Manzullo      | Spence        |
| Franks (NJ)   | Martinez      | Spratt        |
| Frelinghuysen | Mascara       | Stearns       |
| Frisa         | McCollum      | Stenholm      |
| Funderburk    | McCrery       | Stockman      |
| Furse         | McDade        | Stump         |
| Gallegly      | McHale        | Stupak        |
| Ganske        | McHugh        | Talent        |
| Gekas         | McInnis       | Tanner        |
| Geren         | McIntosh      | Tate          |
| Gilchrest     | McKeon        | Tauzin        |
| Gillmor       | Menendez      | Taylor (MS)   |
| Gilman        | Metcalf       | Taylor (NC)   |
| Goodlatte     | Meyers        | Thomas        |
| Goodling      | Mica          | Thornberry    |
| Gordon        | Miller (FL)   | Thornton      |
| Goss          | Minge         | Thurman       |
| Graham        | Molinari      | Tiahrt        |
| Greenwood     | Montgomery    | Torkildsen    |
| Gunderson     | Moorhead      | Torricelli    |
| Gutknecht     | Morella       | Traficant     |
| Hall (TX)     | Murtha        | Upton         |
| Hamilton      | Myers         | Visclosky     |
| Hancock       | Myrick        | Volkmer       |
| Hansen        | Nethercutt    | Vucanovich    |
| Harman        | Neumann       | Waldholtz     |
| Hastert       | Ney           | Walker        |
| Hastings (WA) | Norwood       | Walsh         |
| Hayes         | Nussle        | Wamp          |
| Hayworth      | Orton         | Ward          |
| Hefley        | Oxley         | Watts (OK)    |
| Heineman      | Packard       | Weldon (FL)   |
| Henger        | Pallone       | Weldon (PA)   |
| Hilleary      | Parker        | Weller        |
| Hobson        | Paxon         | White         |
| Hoekstra      | Payne (VA)    | Whitfield     |
| Hoke          | Peterson (FL) | Wicker        |
| Holden        | Peterson (MN) | Wilson        |
| Horn          | Petri         | Wise          |
| Hostettler    | Pickett       | Wolf          |
| Houghton      | Pombo         | Wyden         |
| Hunter        | Portman       | Young (AK)    |
| Hutchinson    | Poshard       | Young (FL)    |
| Hyde          | Pryce         | Zimmer        |
| Inglis        | Quillen       |               |
| Istook        | Quinn         |               |

## NOT VOTING—10

|              |            |        |
|--------------|------------|--------|
| Becerra      | Johnston   | Stark  |
| Collins (MI) | Lofgren    | Zeliff |
| Ford (TN)    | Martini    |        |
| Frost        | Smith (TX) |        |

□ 1116

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Martini against.

Mr. Johnston of Florida for, with Mr. Zeliff against.

Mrs. MALONEY and Mr. TALENT changed their vote from “aye” to “no.”  
 Ms. RIVERS, Mr. MORAN, Mr. DOGGETT, Mrs. COLLINS of Illinois, Mrs. MEEK of Florida, and Mr. COLEMAN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment, marked amendment “A.”

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Add at the end, the following new title: Section 1. Administration of Federal Prison Commissaries.

Section 4043 of title 18, United States Code, is amended by striking the current language and inserting the following:

“(a) The Director of the Bureau of Prisons may establish, operate, and maintain commissaries in federal penal or correctional facilities, from and through which articles and services may be procured, sold, rendered, or otherwise provided or made available for the benefit of inmates confined within those facilities. Only those articles or services authorized by the Director of the Bureau of Prisons may be procured for or through prison commissaries for the use of inmates.

“(b) There is established in the Treasury of the United States a revolving fund to be called the Prison Commissary Fund which shall be available to the Federal Bureau of Prisons without fiscal-year limitation to carry out the purposes, functions and powers authorized by this section. Funds currently on deposit in the “Commissary Funds, Federal Prisons” account of the Treasury shall be transferred to the Prison Commissary Fund.

“(c) The Director of the Federal Bureau of Prisons may accept gifts or bequests of money for credit to the Fund. The Director may also accept gifts or bequests of other property, real or personal, for use or other disposition by the Bureau of Prisons. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

“(d) Amounts in the Prison Commissary Fund which are not currently needed for operations shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Prison Commissary Fund.

“(e) There shall be deposited in the Fund, subject to withdrawal by the Federal Bureau of Prisons—

(1) revenues received from the sale of articles through prison commissaries;

(2) revenues received from services rendered by prison commissaries;

(3) a gift or bequest of money for credit to the Fund;

(4) proceeds from the sale or disposal of donated property, real or personal, for credit to the Fund;

(5) earnings or interest which may be derived from investments of the Fund;

“(f) The Fund shall be available for the payment of any expenses incurred by the Federal Bureau of Prisons in establishing, operating, and maintaining prison commissaries and the Prison Commissary Fund, including the employment of personnel, the purchase of equipment, security-related or otherwise, and those expenses incurred in the provision of articles or services procured, sold, rendered, or otherwise provided or made available to inmates.

“(g) The Director of the Bureau of Prisons is authorized to use monies from the Prison Commissary Fund for the general welfare of inmates. No inmate shall be entitled to any portion of the Fund.

“(h) Employees compensated by or through the Prison Commissary Fund may be assigned additional duties other than those directly related to commissary activities.

“(i) The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this section.”

## SECTION 2. TECHNICAL AMENDMENT.

Section 1321(b) of title 31, United States Code, is amended by striking “Commissary Funds, Federal Prisons”.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 9, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, right now under the Federal law there is simply one sentence or two, I guess it is, under section 4043 of title XVIII of the United States Code dealing with prison commissaries.

It simply says The Attorney General may accept gifts or bequests of money for credit to the ‘Commissary Funds, Federal Prisons.’ A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1954,” et cetera.

□ 1120

The problem has been expressed to me in the strongest of terms by the Federal Bureau of Prisons and its Director, Ms. Hawk, that we do need to have some clarification of the authority that they have to operate Federal prison commissaries, and this bill is a perfect bill to give that which should be a very noncontroversial opportunity for us to do it.

Right now the prison commissaries are being operated under DOJ circular No. 2126, under which a lot of questions have arisen about the authority of the department and the Director to operate these commissaries for the benefit of the prisoners and to collect funds and receive gifts and whether or not the prison inmates have some right to these funds and so on and so forth.

What this amendment does today is to provide express statutory authority for the Director of the Federal Bureau of Prisons to establish, operate and maintain commissaries within Federal prisons.

It also provides the Director has the exclusive authority to determine which articles or services will be provided by or through the commissaries.

We also have a provision that establishes in the U.S. Treasury a revolving fund which will be used to carry out the establishment, operation, and maintenance of a Federal prison commissary system. It authorizes the Director of the Bureau of Prisons to accept gifts or bequests of money as she can right now for a credit to the fund or gifts of real or personal property for the use or deposition by the Bureau of Prisons as can be done now but clearly clarifies where it goes.

It allows for the investment of these funds prudently and wisely where they are established in the Treasury. It provides for the authorization of departments to effect the revenues from the sale of commissary articles; it authorizes payment of expenses from the fund including the payment of expenses for the operation of prison commissaries and for the operation of a commissary fund and the expenses of commissary employees' salaries and the purchase of security equipment and nonsecurity equipment for the commissaries.

It authorizes the director to use the moneys from the fund for the benefit of inmates, and it specifies that no inmate has any interest, property or otherwise, in the moneys deposited or withdrawn from the fund.

It recognizes that employees compensated through the fund have a responsibility to perform commissary-related duties as well as general institutional and security-related duties, and it provides that judicial review is not available for any decision or determination made by the Federal Bureau of Prisons regarding the maintenance, operation, et cetera of commissaries.

I believe that this is a very necessary thing to do. We are beginning to see through the Federal prison system great questions raised about the authority for commissaries that have existed for years and years, as a matter of fact, since 1930 in our Federal prisons, and they are operating with actually no statutory authority other than the fact that they can receive gifts. It does not make a lot of sense and people want to litigate this now, and quite frankly this is a very straightforward procedure. There are no hidden anything's in it, and this prison bill seems to me to be an excellent opportunity to clarify once and for all the question of prison commissaries.

I would hope the other side would accept this in the noncontroversial intent that it is offered.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

I have only had a brief chance to peruse this. Let me ask the gentleman a couple of questions.

First of all this has been sent over by the Bureau of Prisons and is supported by the administration?

Mr. MCCOLLUM. If the gentleman will yield, that is correct.

Mr. SCHUMER. Second of all, it would allow people to give gifts to prisoners?

Mr. MCCOLLUM. It would, but the gifts are already permitted under section 4043. That is all that they have, though. We do not have a formal framework for how they utilize it or set it up. This does not add anything new, but it does allow gifts. It does continue that practice.

Mr. SCHUMER. So present law allows gifts?

Mr. MCCOLLUM. That is correct. That is correct.

Mr. SCHUMER. What if these gifts were of a nature that conflicted with the amendment of the gentleman from New Jersey, an amendment I supported?

Mr. MCCOLLUM. We have restrictive language on gifts that are already going to prohibit them from taking anything that has been passed subsequent to the law that is already on the books, so I would presume the court would interpret the restrictions as applicable that we are passing here today.

Mr. SCHUMER. I take it the gentleman would not characterize this as soft on prisoners in any way?

Mr. MCCOLLUM. If the gentleman will yield, absolutely not. This is not in any way soft on prisoners. This is strictly giving the prisoner—in fact the prisoners may have restricted authority here because the Bureau of Prisons has it all. It has the authority over the commissaries.

Mr. SCHUMER. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina; Page 5, line 21, strike the word "and"

Page 6, line 2, strike the period and add ", and"

Page 6, after line 2, insert the following: "(4) The State has adopted procedures for the collection of reliable statistical data which compiles the rate of serious violent felonies after the receipt of grant funds under Section 502 or Section 503 in comparison to the rate of serious violent felonies before receipt of such funds and will report such statistical data to the Attorney General."

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

This simply requires the States to have a process for collecting reliable statistical data regarding the impact of grants that are being made under sections 502 and 503 of this bill on the incidence of violent felonies and reporting that statistical information to the attorney general.

Mr. Chairman, on yesterday afternoon, the gentleman from Virginia [Mr. SCOTT] offered an amendment which would have taken a small amount of funds and allowed a process to be put into place at the Federal level to monitor the impact of these programs on crime. I offered and then withdrew a more aggressive amendment than this one which would have denied funds unless there was a showing that the increased sentencing and the truth-in-sentencing legislation was having some impact on crime, and I withdrew that amendment.

This simply asks the States to have a process for collecting data on the impact that these moneys are having on the incidence of violent crime.

I should point out that on the next bills that are coming, the prevention bills, I intend to offer the same kind of language.

One of the concerns that I really have is that because of the outcry of the public to do something about crime, we are trying to respond legislatively to that outcry, and I commend my colleagues for trying to do that, but in the haste of doing it, we are not providing any process for determining what things are having an impact on crime and what things are not having an impact on crime. So even if we end up reducing the incidence of crime, we are not going to know which programs we should continue to support and which programs we should be pulling back from and withdrawing our support from.

What we should be doing is trying to get some handle on what kind of programs, whether they are Federal programs, State programs or local programs, are in fact having an impact on crime, whether it is prevention, whether it is increased sentencing, whether it is building more prisons, I do not care. All of those things need to have an assessment process built into them and all of them need to have some process for assuring the collection of statistical data that at least allows the government, either State, local or Federal, to make an assessment of their impact. This begins in that direction with respect to the grants only that are made under sections 502 and 503 of this bill, but I would say I am not trying to attach this only to these programs.

□ 1130

I will be offering a similar amendment on the prevention programs, on the cops programs. We ought to be trying to assess what is working and what is not working.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair would remind the body that we still continue to operate under the 10 and 10 rule, 10 in favor, 10 opposed.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to claim that 10 minutes in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I am reluctant to support this amendment even though I know what the gentleman wants is data which I think we should have.

The reason I am reluctant is because I believe that data, I say to the gentleman from North Carolina [Mr. WATT], is already available under the uniform reporting acts, the statistical reporting acts, that come in. What you are doing here is conditioning receipt of the grant moneys in this bill on the States providing still a separate type of report.

My judgment is that we can gain this data. We should have this data already available to our subcommittee. I would be glad to work with the gentleman in order to make sure that we bring and highlight whatever data he wants. If we do not have this power or if for any reason we are wrong about it, then we will find a way to get that data and make sure it does come independent of this. Because I do believe our subcommittee ought to have this data. You should have it. I do not think we should add something that messes up, or potentially does, an already working reporting program or add another layer of bureaucracy or restriction on the grant program.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Just for the purpose of inquiring whether you might entertain a revision, this just simply says that if the information has already been checked under some other process, we would exempt that State from it.

Mr. MCCOLLUM. Reclaiming my time, the gentleman has been kind enough to furnish us the amendment this morning which we do have, but it is one of those things which, like some we furnished over there, we have not had time to digest. I would prefer not to put anything in the law right now. I would simply assure the gentleman this type of data is something the chairman of the Subcommittee on Crime wants, would like to have. If we do not have it, I believe we do have it, based on representations made to me in limited resources we have this morning. I would be happy to work with him to make sure we do get it in some other form, but not as a restriction or a caveat as a condition precedent to allowing these grants to flow.

If the gentleman would accept that, I would urge him to withdraw this

amendment and let us proceed with the rest of them and we will go forward in the committee and make sure we get this data, but not through the use of this bill or through the restraints he is trying to impose today.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina for a response.

Mr. WATT of North Carolina. I appreciate the gentleman yielding. I am not inclined to withdraw it, because if we are already checking the data, it seems to me that this amendment is harmless, because all the State would have to do, and if the gentleman will look at the bill where I have put this, this is under an additional requirement, and all the State would have to do, if they are already providing the information, is to assure, and that is the bill's term, now, not my term, is assure that the information is being collected already, and so even if we do have a process already for doing this, all the State would be required to do is give the assurance that there is a process already in effect, and I do not know what harm that would do.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I probably have voted against more of the amendments offered by the gentleman from North Carolina than for, but this one seems to me to be so reasonable. All it is saying is let us measure it. I think we should measure every prevention program. I think we should measure every police program.

One of the reasons perhaps that your side gained the majority is because Government programs were passed without seeing their effect.

What is the harm of this language? It is done. I voted against the gentleman's amendment in committee, because what that did, it said if you measured it and it was negative, you stopped the money, and you would not build any prisons. He has taken that out. All he says is let us measure. How can you be against that? It is sort of Luddite. We ought to see the results of what we are doing.

I would ask the gentleman to reconsider his opposition or perhaps mute it when the vote is called.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. CUNNINGHAM. I myself am not sure it is that bad of an amendment. Let me tell you what some of my heartburn might be, if I understand it right.

In education or law enforcement, one of the problems we have is too much paperwork. I know when I was in the service, during the war, all our paperwork went in the trash barrel. We went out on the carrier level and did what

we had to do, and we were able to be much more effective.

After the war back in the squadrons at the bases, I spent 80 percent of my time filling out Federal reports on what we should be doing and what we should not, and I was not able to do the things I really needed to do to train the unit.

This Member's idea is I do not want the Federal Government, the bureaucracy back here, to have to receive reports. I want the State and local, I want us to have goals and let the State and local establish in their own particular area what they need to do and what those standards should be. What might be good for Tommy Thompson in Wisconsin might not be good for Pete Wilson in California.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I just want to point out to the gentleman from California that this amendment, if the gentleman from Florida [Mr. MCCOLLUM] is right, that the States are already required to do it. We are not adding one iota of paperwork other than one page in the grant request that says, "We have a process for doing this," where one sentence in the grant request says that.

But if he is wrong, that we are not collecting it, I cannot believe we would take the position that we are setting up for program grants billions of dollars of money and will not require the States that are applying for the money to at least have in place some process for tracking the impacts on crime.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I will ask a question of the author. The gentleman has a handwritten piece of my copy of the amendment. It says, "The state has adopted procedures for the collection of reliable statistical data," and is that "which compiles the rate of serious"?

Mr. WATT of North Carolina. Yes; yes.

Mr. MCCOLLUM. I just wanted to make sure the word was compiles, c-o-m-p-i-l-e-s.

If that is the case, if the gentleman would accept a unanimous-consent request, I am going to make it and see if he will agree to add this.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified at the end to add the words "if such data is not already provided," and I will send this down to the desk right now.

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I happily accept that proposed modification.

Mr. Chairman, I withdraw my reservation of objection.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that that modification to the amendment be accepted.

The text of the modification is as follows:

Modification offered by Mr. MCCOLLUM to the amendment offered by Mr. WATT of North Carolina: At the end of the amendment offered by Mr. WATT of North Carolina, insert "if such data is not already provided."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. WATT of North Carolina, as modified: Page 5, line 21, strike the word "and"

Page 6, line 2, strike the period and add "; and"

Page 6, after line 2, insert the following:

"(4) The State has adopted procedures for the collection of reliable statistical data which compiles the rate of serious violent felonies after the receipt of grant funds under Section 502 or Section 503 in comparison to the rate of serious violent felonies before receipt of such funds and will report such statistical data to the Attorney General, if such data is not already provided.

Mr. MCCOLLUM. Mr. Chairman, with the modification, I would agree to concur in the amendment as the gentleman has drafted it. I think he has made a good argument. We want the data. I believe it is already here. If it is not, then we will get it. That is the end of that.

Mr. Chairman, I yield back the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman making my amendment better and clarifying it, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from North Carolina [Mr. WATT].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. CHAPMAN

Mr. CHAPMAN. Mr. Chairman, I offer an amendment printed in the RECORD, designated No. 20.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHAPMAN: Page 2, lines 24 and 25, strike "either a general grant" and insert "general grants".

Page 2, line 25, strike "or" and insert "and".

Page 6, line 6, strike "title, if the State" and insert "title if."

Page 6, line 7, strike "title—" and all that follows down through "the" on line 9, and insert "title, the".

The CHAIRMAN. The gentleman from Texas [Mr. CHAPMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I yield myself such time as I may consume.

Once again, I want to take just a couple of minutes and an opportunity to lay the groundwork on where I think we are now in the bill, and I hope my colleagues will pay attention to what

the underlying legislation requires and what the amending process to this point has done.

Because what my amendment does is broaden the eligibility of States to apply for grants under H.R. 667. I want to read from the bill as it is filed and as it currently exists, under section 501(b), and the caption of the section is "limitation." What this bill does is say an eligible State or States may receive either, either a general grant under section 502, which is the general grant fund, or, either/or, a truth-in-sentencing incentive grant under 503. Under the section of "limitation," this law will prevent States from applying for both even if those States are meeting the requirements of both sections. That is clearly what the statute says.

What my amendment says it should not be an either/or situation. Those States that are doing the deal and getting the job done and increasing their sentencing in meeting an appropriate threshold ought to be able to apply for all the funds in both pots. That is the current law. That is current law. Even though the current crime bill authorizes slightly less money than this one does, this one divides \$10 billion into 2 pots and says the State can only apply for one or the other.

□ 1140

So under this law there is actually less prison money available to States, less prison money available to the States than under current law. Surely that cannot be the intended consequence of the author of the bill, who is wanting to expand prison construction and put more criminals in prison for longer periods of time all over this country. Yet that is the result.

My amendment will change that. It breaks down the wall between two grant funds and says a State doing the job can apply for both grant funds or funds from both pots.

It also says—and it makes a very important change, and I want all my colleagues to understand this change—under this bill the bar is set so high that every State, to be eligible, must meet an 85 percent truth-in-sentencing standard, and my colleague, the friend, the gentleman from Florida, said yesterday that to qualify for that, States may have to lower their penalties. Did I stand up in my chair? Lower their penalties for violent crime so they can qualify for the second pot of money? Is that what this is about, lessening the penalties for violent crime in America so we can meet an 85 percent standard? Surely that is not the intended result.

What my amendment will do, it will say, if you are meeting the criteria of increasing sentences, putting more violent prisoners in prison and doing it longer and you are doing it so good that the entire country moves toward tougher sentencing, you are still 10 percent better than the national average, then you can qualify for the second pot of money even if you have not quite reached the 85 percent standard. Surely, surely no question, no State in

America, according to the Department of Justice—arguably, only three—but if you do not live in North Carolina, Arizona or Delaware, you cannot qualify. Your State cannot qualify for the second pot of money.

If you are doing the job, under my amendment, doing it right, moving toward increasing your sentences, and beating the national average every year by 10 percent, then you can. It is a commonsense amendment. It makes sense, and it should be adopted.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this is a dramatic improvement on H.R. 3. If you want to build more prisons, that is. Yet maybe there was some who did not like the block grant approach because they did want to move the States along rather than give them the money and move along by themselves.

It is a compromise amendment. It is one of these rare instances where you can have your cake and eat it too, because we are encouraging the States, under the Chapman amendment, to have tougher sentences. I think we need that.

We are also saying they have a real chance, if they toughen up their sentences, to get their money. Let us face it, under H.R. 3, as we made the point yesterday, not only the 3 States be eligible, but for the other 47 to be eligible they would have to spend some \$60 billion on their own before being able to meet the 85 percent standard.

My colleagues, let us not wish something to be so. The public, the Congress, the legislatures, the mayors, we have been wishing crime to go down for decades. But it keeps going up. It does not go down to the levels where it should. This amendment is not a wishing amendment, this is an actuality amendment. It greatly improves H.R. 3, and I compliment the gentleman for offering it.

Mr. CHAPMAN. Reclaiming my time, let us not ignore what we did yesterday. We plucked the pocket, yesterday, of 47 States. This bill takes money passed by Congress, signed by the President, currently in the law for prison construction to fight violent crime, will rescind money already in the pipeline, it is going to rescind money already in the pipeline going to every State in America.

Surely, if we are serious about wanting to fight violent crime, we need to get the funds out there, and this amendment gets it to States that are doing the job.

If we are going to expand prison construction, let us not trick the American people, let us not trick the Members of Congress by saying we are going to put \$10 billion in prison construction funds but you cannot apply for both pots.



Under the statute, that is what this law will do. This is a commonsense amendment that ought to be adopted.

Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from North Dakota.

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman [Mr. CHAPMAN] for his amendment.

You know, in the 104th Congress so far we have heard an awful lot about giving more flexibility to the States. I find it highly ironic that the bill before us takes flexibility away from North Dakota's prison plan to make people serve 85 or greater of their sentences. I might add, North Dakota has people serving a longer portion of their sentence than any other State in the country.

Under the bill passed last year, we were set to get eligible to receive \$8.8 million for prison construction, but under the language—this is a quote from the law—"to construct, develop, expand, modify, operate or improve correctional facilities to insure such space is available for violent offenders."

Let me read to you the language in the bill that is before us. It would allow us to take the money to build, expand, and operate. This is a critical distinction. They have taken from North Dakota the ability to advance plans that take prisoners out of the State penitentiary, the nonviolent ones, send them out to county jails, to make bed space for violent offenders in the State penitentiaries, just what we want to accomplish.

But because of a drafting error, they have taken from North Dakota this right to access money for bed space for violent offenders. We have done it because we have been overly prescriptive. We have taken from States flexibility. We have imposed a one-size-fits-all approach out of Washington, DC.

I just wonder how many Members, and goodness knows I will be watching when they vote for this, are going to actually be voting taking money away from their States, money their States would have been eligible for that would not be because they will be voting for language that simply does not work relative to the scheme of State flexibility as we approach the lengthening of time violent offenders serve.

That is why I commend the gentleman for his amendment and yield back to him in this discussion.

#### PARLIAMENTARY INQUIRY

Mr. CHAPMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. CHAPMAN. Are we proceeding under the 5-minute rule today?

The CHAIRMAN pro tempore. We are proceeding under the 10-minute rule, 10 minutes for each side.

Mr. CHAPMAN. Then at this point I would like to ask if the gentleman from Florida [Mr. MCCOLLUM] will proceed. I would like to reserve the balance of my time at this time.

The CHAIRMAN pro tempore. A Member opposed to the amendment will be recognized for 10 minutes.

Mr. MCCOLLUM. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what the gentleman is doing, make no mistake about it, is to strike the truth-in-sentencing incentive program that is in this bill. The \$5 billion setaside is set aside in order to encourage the States to move to the provision we would like for them to do in their laws, of abolishing parole for violent felons in their State, to make them serve at least 85 percent of their sentences.

If you are a serious violent felon, the objective of this whole exercise is to get you incarcerated, locked up, and have the key thrown away so that you are not out there going through this revolving door and preying on a lot of people again and again and again, as has been happening. We will, by passing this gentleman's amendment today, destroy that incentive altogether. The carrot will be gone. The offer of \$5 billion out there, if you are just changing your laws, will not be out there anymore. Sure, we know only a handful of States qualify today for that pot of money, but that is the idea, the whole idea behind having that pot of money reserved strictly for those States to change their laws to comply, to get them to change them, to get them to make that step that has been so difficult for them to do, by saying, "Look, we will give you the money to build the prison beds. We will give you 75 percent of the money it takes to build every single prison bed that is required for you to remove every single serious violent felon in your State off the streets and make them serve at least 85 percent of their sentences." It would make the States do this if they are to get the money.

They obviously do not have to do it today or will not have to do it not tomorrow if they do not want this money. But the idea is to build the political pressure in those States. I think once this bill passes, the public in every State in the Union will demand that their legislatures and Governors change their laws immediately to do it and spend whatever State resources are necessary to do that.

□ 1150

Mr. Chairman, it is my judgment, and most Republicans on this side of the aisle agree with me, that this is perhaps the most important thing we could do today in crime fighting at all

in this country, is to provide this carrot out there to build the public pressure to get the resources necessary, and we provide most of them probably the vast majority of what is necessary from the Federal end to take the repeat violent felons off the street and stop this revolving door. If the amendment offered by the gentleman from Texas prevails, he will simply have for the whole \$10.5 billion the easy requirements. Just making progress toward incarcerating people for longer sentences is good enough to get the entire amount of money, and I would submit that that is a wrong-headed approach, it is not what we should be doing out here today. It destroys completely the effort to control the violent criminal revolving door in this country, and this is, in my judgment, the most serious killer amendment of the day, and I would urge its defeat in no uncertain terms.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CHAPMAN] for 30 seconds.

Mr. CHAPMAN. Mr. Chairman, at this point I ask unanimous consent to have an additional 5 minutes of debate in addition to 30 seconds.

The CHAIRMAN. Would that be on each side?

Mr. CHAPMAN. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MCCOLLUM. Reserving the right to object, Mr. Chairman, is that 5 minutes on each side?

We are getting an additional 5 minutes? That, I believe, is the construct; is it not?

The CHAIRMAN. That is the request.

Mr. MCCOLLUM. All right Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. CHAPMAN]?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. CHAPMAN] will be recognized for 5 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, let me just say the easy standards that the gentleman from Florida [Mr. MCCOLLUM] talks about, the law requires that to be eligible for even the easy money. States must put more violent criminals in prison every year than they did the year before, States must put them there for longer periods of time every year than they did before, and they must parole them less frequently every year than they did the year before. That is not an easy burden to meet, and to meet under this amendment the second pot of funds, not only do you have to do that, but you must out-reform the national average each and

every year by 10 percent. If States are doing that, the very idea that we would tell them they are not eligible for the funding.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Texas [Mr. CHAPMAN] and want to make a point about how strongly I am in favor of the Chapman amendment because it clarifies the two vital and fundamental weaknesses in the bill before us.

On February 1, 9 days ago, we passed H.R. 5 right here. It prohibited unfunded mandates. We passed this law 9 days ago prohibiting unfunded mandates.

On page 3 of H.R. 5 it says, to begin consideration of methods to relieve States, local governments, of unfunded mandates imposed by Federal court interpretation of Federal statutes and regulations. It says further, to end the imposition by Congress of Federal mandates. It goes on, and on, and on.

I voted for this. Many people on both sides voted for this. Yet in this bill we are providing exactly the kind of unfunded mandates that we just 9 days ago prohibited.

Let me read for my colleagues page 3 of this bill, H.R. 667, page 3. We not only are talking about tougher sentences, which I am for; I voted for the gentleman's tougher habeas corpus and exclusionary rules, but now we are telling the States, "You have to, in order to be eligible to receive funds under subsection A, one, increase the percentage of convicted violent offenders; two, increase the average prison time actually served; three, increase the percentage of sentence to be actually served.

We are mandating down the line not just tougher penalties, percentages, average time, percentage of convicted violent offenders. Are we not saying 9 days ago we are not going to do anything more like this? And we do it.

Second, the fundamental flaw in this bill, in addition to the unfunded mandates, is that this is the bailout bill. This is the bailout bill for States that have not made the tough decisions to build some of these prisons. We are going to funnel money to them. We are going to take the money away from States like Indiana, which will lose \$48 million, and States that have made tough decisions and sometimes said to their citizens, "You have to pay up to build these new prisons." Now we are saying with these unfunded mandates we are going to steer moneys to the States that have not made these tough decisions. We are going to provide Federal funds to do it, and we are going to bail these States out.

That is not right.

Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. CHAPMAN] tries to clean up the unfunded mandates and the fairness to

different States that is terribly skewed in the formula in this bill. Forty Republicans voted for current law. The Chapman amendment tries to steer us back to current law, and I would encourage some bipartisan support for this amendment. If this does not pass, I would encourage defeat of this bill.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I think everybody has to understand that this is a repeat of yesterday's debate. We have already had a couple of amendments to try to get at the truth in sentencing and knock it out. This is just another effort to do that. That needs to be clearly understood.

I know there are people who do not agree with truth in sentencing, and they obviously strongly do not agree because that is the reason why they are making a third try at this today.

There are over 6 million violent crimes every year in this Nation. Only 150,000 people are convicted of violent crime out of the million crimes that are committed. Now some of them obviously are being committed by the same people. Only 90,000 of the 150,000, that is 60 percent of those convicted, ever go to prison for committing a violent crime, and those who do go to prison of that 60 percent of the 100,000 that are convicted of the 6 million crimes that are committed every year that are violent, they only serve an average of 38 percent of their sentences.

So, what we are saying is here today, in this bill, we want to get these people to serve their time. We want to make sure that the carrot is out for them to do that and that we actually provide the resources to the States to make sure that they have their folks locked up. I doubt if very many States, if any in this Union today, are locking up near enough prisoners in their prisons to comply with this in any sense of the word that we would like for them to do, but what we have set forth, for the first pot of money, the \$5 billion that is out there in part A, that is not disturbed in our judgment in any way from last year's bill to amount to a hill of beans, and we are simply going to require three little things to be done by the States to qualify for that money, and virtually every State has already qualified.

Just look back at the statistics down at the Justice Department of the last 10 years that are submitted, published every 2 years, by the State, and my colleagues will see that every State is marching toward increasing the length of time somebody has to serve, increasing the actual sentence for some of these violent criminals, all these violent criminals, and increasing the percentage of time, and there are three separate things, but they are complying. It is not hard to comply with. I would say 99 percent of the States, probably all the States, will receive money under part A without having to do anything more than assure the Fed-

eral Government of what they are already doing.

But what this amendment does that is mischievous about it is, first of all, it strikes all three of these requirements. It in essence says, notwithstanding anything else in this bill, all you got to do is show a 10 percent average increase in the time served over the entire course of whatever in your State, and, by God, you get the money for part A, and you get the money for part B because we are going to do away with any qualifications for part B that are different from part A. In other words, you strike truth in sentencing altogether, and you just say, "If you have increased the average times served by 10 percent of your violent felons in your prisons, you can get every penny in this bill," and I think that is absurd. That is precisely why we are having the debate out here today, and it is a very wrong-headed thing to do.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM].

First of all, of all the amendments that I have had come forward, this one is the most obtrusive. The gentleman fails to see the solution to a very simple problem, that, if you let criminals out early, they are going to commit more crimes. Our intent is to keep them in there for the longest amount of time.

Governor Allen's idea of no parole at all; if you get a sentence, that is what you are going to stay in there for; that is what I would like to see. But, if you let, as James Cagney said, let these low-down, dirty rats back out, they are going to be low-down, dirty rats on our streets, and the gentleman is talking about an unfunded mandate. We are giving the States a positive incentive to do this. This is not an unfunded mandate.

□ 1200

What we want to do is make sure that if someone is sentenced to an amount of time that is a felon, that they are going to serve their time, and not get back out early and do the same thing. Because it is proven by statistics they get back out, and they have not been helped, we want to make sure that is done.

The gentleman says that the law requires that we put them in longer and that we parole fewer. But it is not working again. This again is another positive incentive for the States that are not living up to that to follow through and keep these critters in longer.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the distinguished gentleman from California that I serve with on

the Committee on Economic and Educational Opportunities, that whether you call it a positive incentive or an unfunded mandate, you are stipulating in law three things: From percentage of convicted offenders, to average prison time, to percentage of sentence to be actually served. That is not a positive incentive for some States. That is a very specific mandate.

I am for truth in sentencing, as the gentleman from Florida [Mr. MCCOLLUM] knows. But I do not think we should prescribe down to three and four different criterion variables what these States have to do.

Mr. Chairman, if I could ask a question of the gentleman from Florida [Mr. MCCOLLUM], he said in his comments that some States will have to change laws, that the people will force the State legislatures to meet and change laws. That will take some time. The gentleman from Florida knows that some States are in short session this next meeting period. Indiana may only meet for a couple of months. Other States may not have the time to qualify for this.

Mr. MCCOLLUM. Reclaiming my time, there is no question that States will have to change their laws, most of them will. To get the second pot of \$5 billion for truth in sentencing, they will have to go to the 85-percent rule. There is no question about that. That is the idea.

But they will not have to change their laws to qualify for the first pot of money. I believe 99 percent, from what we have seen, already qualify for part A of the money.

I would also like to respond to the gentleman on the unfunded mandate. This is not an unfunded mandate in any way, shape or form. This is a grant program, clearly distinguished from the bills we had out here earlier that ban unfunded mandates.

If the States do not want this money, they do not have to do what we require them to do. We are not mandating they do these things. We simply say if you want to get this money, here is the carrot. You have got to come get it. Unfunded mandates do not yield carrots.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think the gentleman just made the point. Illegal immigration in our State, we have a policy and the Government does not support it, they do not get the money. It is not an unfunded mandate. They do not have to participate if they do not want. We are not mandating that they do it. But if they do not, they do not get the money.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CHAPMAN. Mr. Chairman, I yield myself such time as I may consume, to respond briefly.

Mr. Chairman, it is important that I think we understand that this bill

picks the pockets of the States of hundreds of millions of dollars that are currently in the pipeline under current law.

The gentleman from California makes a good point. We want folks to put people in prison that are violent criminals and keep them there. That is what last year's crime bill did.

This takes the money back. This sets the bar so high that the progress that is being made cannot be met. I do not understand why the gentleman would want to set a standard that the Attorney General, you say 99 percent of the States meet it. Are you sure? The Attorney General has looked at it and says none of the States meet it.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, first of all, I would just like to point out that there was no money appropriated for prison construction for this fiscal year, so we are not taking any money back in what we are doing.

Second, the statistics that the Attorney General has collected over several years that we have seen shows that progress is being made and States would qualify. So I beg to differ with the gentleman.

Mr. CHAPMAN. Mr. Chairman, reclaiming my time, progress may be being made, but the States do not qualify. They are not going to be eligible under the law, and the gentleman has set the standard so high that he is making it impossible to comply.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I have two quick points. Under the gentleman's own bill, the Attorney General would be the administrator. So even though the gentleman from Florida [Mr. MCCOLLUM] may say States qualify, unfortunately, if I were a Governor who wanted to build prisons, I would have to put more stock in what the Attorney General said, because she is giving out the money, not the gentleman from Florida.

Second point: The gentleman from California said we want a carrot to encourage the States to increase sentence time. Agreed. But when you put a carrot out there, you want them to be able to reach it, so they can jump. If you put the carrot up so high that they cannot even see it, they are not going to try to reach for it.

The CHAIRMAN. The time of the gentleman from Texas [Mr. CHAPMAN] has expired, and the gentleman from Florida [Mr. MCCOLLUM] has 5 minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, interestingly enough, I do not see how anyone can argue that under what the gentleman's amendment does, States would qualify who

will not qualify for part A of the grant money under what is in the bill. Now, you can debate all you want on part B, the truth in sentencing, 85 percent rule, because I am willing to concede only three or four States, half a dozen States, currently qualify for that. That has never been in question, because the fact of the matter is States are being given this money as the carrot.

But under part A, what the gentleman would have after I read his amendment, what he is doing in striking indeterminate sentencing as an exception out of this, he is saying,

Notwithstanding the provisions in paragraphs 1 and 2 of section 502(b), a State shall be eligible for grants under this title if, not later than the date of enactment of this title, the offenses of murder, rape, robbery, and assault exceed by 10 percent or greater the national average of time served for such offenses.

Well, that is still going to be a requirement to qualify for part A. It will be the only requirement for parts A or B under your amendment.

What we are suggesting is you do not even have to have a 10-percent variation with regard to the national average. You just have to have some for ours. You have to show an increase since 1993 of the percentage of convicted violent offenders sentenced to prison of the percentage. Just any increase. Not 10 percent, but any increase. Your own State has to show that increase.

Second, you have to show an increase in the average prison time actually to be served, that you bumped up the time under the regulations for sentencing. If somebody got 6 years, the sentence they have been given, and they are serving only two now in your State, you have to show that your actual prison time is going to be 2 years and 1 day. But it does not require a big 10-percent increase.

Third, you have to show an increase in the percentage of the sentence to be actually served, the percentage of the 6 years, from whatever it was before. If it was 2 years, it is one-third, you have to bump up by whatever little fraction that would be; 2.1 years obviously shows an increase in the percentage of the sentence. That is not actually hard to comply with.

What the gentleman is doing by all of the debate and all of what he is saying out here today is simply arguing the same old point he argued yesterday and that we have heard argued on two major amendments out here before, and that is the gentleman does not like the carrot. The gentleman does not like the second pot, which is what you destroy. There is nothing about the first pot that we are doing anything with. It is very easy to get the first pot.

But what we are all arguing about today is whether we set aside \$5 billion and say to the States we want you to get this money, to change your laws to make sure that serious violent felons

serve at least 85 percent of their sentences. Truth in sentencing. Essentially abolish parole and only have good time.

That is what we want them to do with the 85-percent pot of money, \$5 billion. And what the gentleman from Texas [Mr. CHAPMAN] would do by his amendment, make no mistake about it, would absolutely strike that out of this bill. There would be no truth in sentencing requirement whatsoever to get any money in this bill at all. It would disappear, and the whole thrust of the whole truth in sentencing debate would be resolved in favor of those States and those groups that do not want any restrictions and do not want to go to that. And I think that would be absolutely the height of folly. It would be an undermining of a basic principle that the Republican side of the aisle believes deeply in our crime legislation, what we offered last year, and what is part of the Contract With America.

So this is a killer amendment. It strikes the guts out of this bill as we have written it, and I strongly urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. CHAPMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CHAPMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 247, not voting 11, as follows:

[Roll No. 114]

YEAS—176

|              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Dixon         | Holden        |
| Ackerman     | Doggett       | Hoyer         |
| Baesler      | Dooley        | Inglis        |
| Baldacci     | Doyle         | Jackson-Lee   |
| Barrett (WI) | Durbin        | Johnson, E.B. |
| Barton       | Edwards       | Kanjorski     |
| Beilenson    | Ehlers        | Kaptur        |
| Bentsen      | Engel         | Kennedy (MA)  |
| Berman       | Eshoo         | Kennedy (RI)  |
| Bevill       | Evans         | Kennelly      |
| Bishop       | Farr          | Kildee        |
| Bonior       | Fattah        | Klecza        |
| Borski       | Fazio         | Klink         |
| Boucher      | Fields (LA)   | LaFalce       |
| Brewster     | Filner        | Lantos        |
| Browder      | Flake         | Laughlin      |
| Brown (FL)   | Foglietta     | Levin         |
| Brown (OH)   | Ford (TN)     | Lewis (CA)    |
| Bryant (TX)  | Frank (MA)    | Lincoln       |
| Camp         | Furse         | Longley       |
| Cardin       | Gejdenson     | Lowey         |
| Chapman      | Gephardt      | Maloney       |
| Clay         | Gibbons       | Manton        |
| Clyburn      | Gillmor       | Markey        |
| Coleman      | Gonzalez      | Mascara       |
| Collins (IL) | Gordon        | Matsui        |
| Conyers      | Green         | McDermott     |
| Coyne        | Gutierrez     | McHale        |
| Cramer       | Hall (TX)     | McKinney      |
| Danner       | Hamilton      | McNulty       |
| DeFazio      | Hastings (FL) | Meehan        |
| de la Garza  | Hayes         | Meek          |
| DeLauro      | Hefner        | Menendez      |
| Dellums      | Hilliard      | Mfume         |
| Dicks        | Hinchey       | Miller (CA)   |
| Dingell      | Hoekstra      | Mineta        |

|               |
|---------------|
| Minge         |
| Mink          |
| Moakley       |
| Mollohan      |
| Moran         |
| Murtha        |
| Nadler        |
| Neal          |
| Oberstar      |
| Obey          |
| Olver         |
| Ortiz         |
| Orton         |
| Owens         |
| Pallone       |
| Pastor        |
| Payne (NJ)    |
| Pelosi        |
| Peterson (FL) |
| Peterson (MN) |
| Pickett       |
| Pomeroy       |
| Portman       |

|              |
|--------------|
| Allard       |
| Andrews      |
| Archer       |
| Armey        |
| Bachus       |
| Baker (CA)   |
| Baker (LA)   |
| Ballenger    |
| Barcia       |
| Barr         |
| Barrett (NE) |
| Bartlett     |
| Bass         |
| Bateman      |
| Bereuter     |
| Bilbray      |
| Bilirakis    |
| Bliley       |
| Blute        |
| Boehlert     |
| Boehner      |
| Bonilla      |
| Bono         |
| Brownback    |
| Bryant (TN)  |
| Bunn         |
| Bunning      |
| Burr         |
| Burton       |
| Buyer        |
| Callahan     |
| Calvert      |
| Canady       |
| Castle       |
| Chabot       |
| Chambliss    |
| Chenoweth    |
| Christensen  |
| Chrysler     |
| Clyton       |
| Clement      |
| Clinger      |
| Coble        |
| Coburn       |
| Collins (GA) |
| Combest      |
| Condit       |
| Cooley       |
| Costello     |
| Cox          |
| Crane        |
| Crapo        |
| Creameans    |
| Cubin        |
| Cunningham   |
| Davis        |
| Deal         |
| DeLay        |
| Deutsch      |
| Diaz-Balart  |
| Dickey       |
| Doollittle   |
| Dornan       |
| Dreier       |
| Duncan       |
| Dunn         |
| Ehrlich      |
| Emerson      |
| English      |
| Ensign       |
| Everett      |
| Ewing        |
| Fawell       |
| Fields (TX)  |

#### NAYS—248

|               |
|---------------|
| Flanagan      |
| Foley         |
| Forbes        |
| Fowler        |
| Fox           |
| Franks (CT)   |
| Franks (NJ)   |
| Frelinghuysen |
| Frisa         |
| Funderburk    |
| Gallegly      |
| Ganske        |
| Gekas         |
| Geren         |
| Gilchrest     |
| Gilman        |
| Gingrich      |
| Goodlatte     |
| Goodling      |
| Goss          |
| Graham        |
| Greenwood     |
| Gunderson     |
| Gutknecht     |
| Hancock       |
| Hansen        |
| Harman        |
| Hastert       |
| Hastings (WA) |
| Hayworth      |
| Hefley        |
| Heineman      |
| Herger        |
| Hilleary      |
| Hobson        |
| Hoke          |
| Horn          |
| Hostettler    |
| Houghton      |
| Hunter        |
| Hutchinson    |
| Hyde          |
| Istook        |
| Jacobs        |
| Jefferson     |
| Johnson (CT)  |
| Johnson, Sam  |
| Johnson (SD)  |
| Jones         |
| Kasich        |
| Kelly         |
| Kim           |
| King          |
| Kingston      |
| Klug          |
| Knollenberg   |
| Kolbe         |
| LaHood        |
| Largent       |
| Latham        |
| LaTourette    |
| Lazio         |
| Leach         |
| Lewis (GA)    |
| Lewis (KY)    |
| Lightfoot     |
| Linder        |
| Lipinski      |
| Livingston    |
| LoBiondo      |
| Lucas         |
| Luther        |
| Manzullo      |
| Martinez      |

|            |             |            |
|------------|-------------|------------|
| Thomas     | Walker      | Whitfield  |
| Thornberry | Walsh       | Wicker     |
| Thurman    | Wamp        | Wolf       |
| Tiahrt     | Watt (NC)   | Wyden      |
| Torkildsen | Watts (OK)  | Young (AK) |
| Torricelli | Weldon (FL) | Young (FL) |
| Traficant  | Weldon (PA) | Zeliff     |
| Vucanovich | Weller      | Zimmer     |
| Waldholtz  | White       |            |

#### NOT VOTING—11

|              |            |            |
|--------------|------------|------------|
| Becerra      | Hall (OH)  | Smith (WA) |
| Brown (CA)   | Johnston   | Stark      |
| Collins (MI) | Lofgren    | Tauzin     |
| Frost        | Smith (TX) |            |

#### □ 1228

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston for, with Mrs. Smith of Washington against.

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. EDWARDS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### □ 1230

#### PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman will state his inquiry.

Mr. COLEMAN. I would just inquire of the Chair in terms of statements that had been made earlier in respect to the length of time that we have for votes. I noted, just as a housekeeping matter, that the Chair in my view correctly permitted about 20 minutes, or I assume 20. When I came in, it said zero. We waited another 5 minutes to finish the vote. I think the Chair correctly did that, because of the crowding on the elevators and attempting to get here from committees by many of the Members.

I was just wondering whether or not the Chair would permit an expansion on the statement earlier made by the Speaker with respect to the amount of time we will be allowed to have for votes. We were told 17 minutes would be all we would get. I notice we just got 20, maybe more. I am wondering whether or not we are going to continue to have that kind of leeway in the event crowds occur in coming to the House floor to cast our votes.

The CHAIRMAN pro tempore. The Speaker was very clear when he stated his position that he would not stop a Member from voting who is in the well.

Mr. COLEMAN. Actually that is not my inquiry. I was just wondering whether or not we were going to all be given some additional opportunity in the case of crowding to get here to cast our votes. I think that without any question, statements to the contrary notwithstanding, the Chair correctly handled this vote by allowing at least 20 minutes for us to cast this vote. I am just hoping that the Speaker will be advised of the amount of time it took

today and perhaps we can relax the hard-and-fast rule we were told applied on the first day.

The CHAIRMAN pro tempore. The Chair would advise the gentleman that this vote did proceed in conformity with the Speaker's advisement.

Mr. COLEMAN. Well, Mr. Chairman, it was certainly in excess of 17 minutes, was it not?

The CHAIRMAN pro tempore. What the Speaker said about Members proceeding to the well and being allowed to vote still holds.

Mr. COLEMAN. But after 17 minutes they will not be allowed to vote from the well; is that my understanding?

The CHAIRMAN pro tempore. The 17-minute restriction still holds. Members should come to the Chamber and to the well as quickly as they possibly can.

Mr. COLEMAN. But the chair was correct in allowing extra time. I think all of the Members attempted to do that on both sides of the aisle. The attempts, I just advise the Chair, will continue to be made more difficult by having, as you know, more citizens inside the Capitol utilizing many of these same elevators.

I just suggest to the Chairman that he handled it correctly. I hope that we could get the Speaker to agree that the hard-and-fast rule of 17 minutes is going to be very difficult for some Members to make. Out of a mere courtesy to our colleagues, I would hope that we would not hold hard and fast to some of these stated rules that we started the first of the session with.

I thank the Chairman for his consideration.

The CHAIRMAN pro tempore. The Chair thanks the gentleman for his observation.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT:

Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12 and insert the following:

#### TITLE I—PRISON GRANT PROGRAM

##### SEC. 1. GRANT PROGRAM.

Title V of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

#### "TITLE V—PRISON GRANTS

##### "SEC. 501. AUTHORIZATION OF GRANTS.

"The Attorney General is authorized to provide grants to eligible States and to eligible States organized as a regional compact to build, expand, and operate space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including facilities on military bases, for the confinement of convicted non-violent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

##### "SEC. 502. GENERAL GRANTS.

"In order to be eligible to receive funds under this title, a State or States organized

as a regional compact shall submit an application to the Attorney General that provides assurances that such State since 1993 has—

"(1) increased the percentage of convicted violent offenders sentenced to prison.

"(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison.

##### "SEC. 503. SPECIAL RULES.

"Notwithstanding the provisions of paragraphs (1) through (2) to section 502, a State shall be eligible for grants under this title, if the State, not later than the date of the enactment of this title—

"(1) practices indeterminate sentencing; and

"(2) the average times served in such State for the offenses of murder, rape, robbery, and assault exceed, by 10 percent or greater, the national average of times served for such offenses.

##### "SEC. 504. FORMULA FOR GRANTS.

"To determine the amount of funds that each eligible State or eligible States organized as a regional compact may receive to carry out programs under section 502, the Attorney General shall apply the following formula:

"(1) \$500,000 or 0.40 percent, whichever is greater shall be allocated to each participating State or compact, as the case may be; and

"(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State or compact, as the case may be, bears to the population of all the States.

##### "SEC. 505. ACCOUNTABILITY.

"(a) FISCAL REQUIREMENT.—A State or States organized as a regional compact that receives funds under this title shall use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General.

"(b) REPORTING.—Each State that receives funds under this title shall submit an annual report, beginning on January 1, 1996, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

"(c) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

##### "SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) \$497,500,000 for fiscal year 1996;

"(2) \$830,000,000 for fiscal year 1997;

"(3) \$2,027,000,000 for fiscal year 1998;

"(4) \$2,160,000,000 for fiscal year 1999; and

"(5) \$2,253,100,000 for fiscal year 2000.

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Funds made available under this title may be used to carry out the purposes described in section 501(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than three percent of the funds available under this section may be used for administrative costs.

"(4) MATCHING FUNDS.—The Federal share of a grant received under this may not exceed 75 percent of the costs of a proposal as

described in an application approved under this title.

"(5) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall remain available until expended.

"(c) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Attorney General shall reserve 1 percent for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title by units of local government and the benefits of such programs in relation to the cost of such programs.

##### "SEC. 507. DEFINITIONS.

"As used in this title—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court has discretion on imposing the actual length of the sentence imposed, up to the statutory maximum; and

"(B) an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence;

"(2) the term 'serious violent felony' means—

"(A) an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another and has a maximum term of imprisonment of 10 years or more.

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense and has a maximum term of imprisonment of 10 years or more, or

"(C) such crimes include murder, assault with intent to commit murder, arson, armed burglary, rape, assault with intent to commit rape, kidnapping, and armed robbery; and

"(3) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States."

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, February 9, the gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the series of crime bills we have now effectively block-grant the prevention and police money from the 1994 bill and then cut that block of money by \$2.5 billion and increase the prison construction money by \$2.5 billion.

This amendment restores the \$2.5 billion to the prevention and cops block grant.

We have already seen, Mr. Chairman, the good work in getting the police out on the street. Many of the police have already been funded. The bill has only been in effect a few months and police have been funded already. Those cops are on the street practicing community policing and effectively reducing crime.

Mr. Chairman, during the hearings on H.R. 3 and in the Committee on the

Judiciary consideration of the bill, we also heard reams of testimony on crime reduction that can be effectuated by primary prevention programs.

Mr. Chairman, we heard testimony that the cost of drug courts was about one-twentieth of what it cost to put people in prison, and the recidivism rate was so low that you cut crime by approximately 80 percent. Head Start and Job Corps both save more money than they cost, Mr. Chairman.

We have testimony in the record showing drug treatment programs which are so effective, they save \$7 for every \$1 that you put into the program. We have seen recreational programs. Mr. Chairman, where for 60 cents per participant, the crime rate in Phoenix, AZ, was cut significantly. Fort Myers, FL, 28 percent reduction in crime for very minimal expenditures. Gang intervention programs, drug courts, early childhood development, vocational training. Those kind of programs, Mr. Chairman, will reduce crime.

The \$2.5 billion that is added to the prisons in this series of bills which we seek to transfer will be an insignificant portion of the money spent on prisons. Virginia has adopted a truth-in-sentencing or so-called truth-in-sentencing provision. The way we got to 85 percent, Mr. Chairman, was to reduce the sentence 50 percent, letting those who could not make parole, the most heinous of our criminals, let them out in 50 percent of the time so that the less risky prisoners could serve more time. That cost us \$7 billion.

Mr. Chairman, if we are going to spend that kind of money, we ought to put it in programs that will actually work.

Mr. Chairman, the \$30 billion crime bill from last year designated 75 percent of the money for law enforcement and prisons, despite all of the overwhelming evidence that vastly more crime reduction can be accomplished through prevention programs. The present bill compounds the problem by increasing the prisons and decreasing the money that could go to police and prevention.

If our goal is to prevent crime, Mr. Chairman, we should take the politics out of crime, spend the money where it will actually do some good, and, that is, on prevention and police officers.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 10 minutes in opposition to the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I am not going to consume much on this amendment. I think it should be clear that if we voted, as many of us, in fact the clear majority did, a very large majority, against the amendment earlier offered by the gentleman from Maryland [Mr. CARDIN], to strike \$30 million, \$36 million from the prison grant program, we certainly would want to oppose an

amendment that would strike \$2.5 billion from the program.

The gentleman obviously who is offering this amendment is offering it in sincere concern for the prevention programs which he liked in the last Congress, which this side of the aisle wants to do away with, did not agree with, and does not want to put more money into.

Next week we will have an opportunity to vote on a combination of local block grant programs that will combine the prevention and the cops on the street programs of the last Congress into a \$10 billion program to let the cities and the counties of this Nation, their local governments, decide how to best fight crime in their community, whether that be by hiring a new police officer or doing some kind of prevention program, whatever that they may choose to do. I think \$10 billion is plenty of money for that. I think most Americans believe that.

Some money has already been granted out this year under the existing law. So actually more than that would be eligible to be spent according to my calculations.

I see no reason whatsoever to take \$2.5 billion from the prison program, strike it altogether, to give the gentleman from Virginia an opportunity next week to argue that he has stricken this money, now that he has done that, he has saved it, he can now increase or add to or argue for more money under the \$10 billion program. I suspect next week he is going to be opposed based on his arguments in committee to the concept of block grants, anyway, as opposed to doing it under the categorical that are in current law.

I understand the opposition and the differences of opinion. I just want the Members to understand clearly that what the gentleman wants to do is to strike a very sizable proportion, \$2.5 billion, from this prison grant construction and operation program that is designed to take the violent felons off the streets and provide money to the States so that they can build the prison beds necessary to get an end to parole for these serious violent felons. He wants to strike the money that would allow the States to do this, a huge \$2.5 billion amount, and I am very strongly opposed and urge the rejection of this amendment.

□ 1240

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, could the Chair advise how much time I have remaining?

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] has 7 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I would like to thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I rise today because although I support truth in sentencing, I do not support pork, and that is the problem with the bill as it is currently drafted.

We watched yesterday afternoon when the Republicans basically presented us with a porkfest. We had a lengthy debate, and in the course of that debate it was pointed out that there is a \$5 billion pot of money called truth in sentencing incentive grants, \$5 billion, but of that \$5 billion what we found out was only three States could qualify, and the gentleman suggested, "Oh, no, more States would want to do this." But I checked with my people in Maryland and they said even though we have already doubled our sentencing requirements, the time-served requirements, that even with this bill Maryland would probably not be able to get any money because it would not be cost-effective, it would cost the State too much money to build the prisons even with the grant that we could get from the Federal Government.

So the debate went on and finally the gentleman conceded that yes, there are probably going to be some States that would not be able to take advantage of this money, so the question became what do we do with the unallocated funds? To those of you who are deficit hawks, watch out. Unallocated funds, rather than have these funds go back to the Treasury for deficit reduction, these funds, which could be \$2 billion, \$3 billion, because remember only three States qualify, the funds would be suddenly given back to the Justice Department for Federal courthouses and Federal magistrates and to the INS Service.

So I see a grave contradiction today, Mr. Chairman. While the Republican chairman suggests we ought to give all of this money to the local governments for prisons, not only is the money not going for prisons, it is not going to the local government, it is reverting back to the Federal Government, not for prisons but for courthouses and INS and other Federal investigatory bureaus.

I do not think that is what the American people want. I think yes, we can have truth in sentencing and yes, serious violators ought to serve more time, no disagreement there.

The issue becomes whether we take the unallocated funds and have a porkfest for Federal investigatory agencies or whether we use unallocated funds and spend it on deficit reduction. I believe we ought to spend it on deficit reduction, which is why I support the amendment of the gentleman from Virginia which suggests that this money ought to be cut.

Mr. MCCOLLUM. Mr. Chairman, I have no requests for speakers, and I reserve the right to close.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Scott amendment. The people of my district are as concerned about crime as any of my colleagues on the other side of the aisle. In fact, crime is a defining issue in urban centers like the one I represent. Every time I meet with constituents, crime is at or near the top of the agenda. In my district kids grow up on street corners because there are few healthy alternatives. There are no parks, no playgrounds, and no recreational centers, and overcrowded, ill-equipped schools neither prepare nor inspire the children for useful and productive careers.

Prisons alone are not the solution. Without prevention, we will never get control of the crime problem. Punishment and prevention are flip sides of the same coin.

Last year we struck a difficult balance between those two impulses. The Crime Control Act provided for more prisons and stiffer sentences. It also made an investment in proven crime prevention programs for education, recreation, and drug treatment. It offered the kids on the corners alternatives and hope for a better future.

This bill upsets the delicate balance between punishment and prevention. I support this amendment because it helps get us back to the middle ground that we found last year. This bill pledges \$12.5 billion for prison construction, \$2.5 billion more than was authorized in the 1994 act.

Where will this money come from? From prevention programs? That is \$2.5 billion less for our kids. No after-school and summer programs for at-risk youth, no antigang initiatives, no sports leagues or recreational facilities, no drug treatment programs. With this bill we will be saying to your youth, "We don't care about you, we do not expect anything from you. Prison is okay."

Mr. Chairman, I understand that the American people are desperate for urgent action. I understand the temptation to adopt catchy phrases and simple solutions like lock them up and throw away the key. But forget it. It is not about catchy phrases, it is about solutions.

I urge the President and the leadership of this House to maintain the delicate balance that was reached last year. I cannot and I will not support a measure that slashes critical social programs in order to appease the critics on the right. I will not play politics with the future of America's youth.

I urge my colleagues and the American people to see through this Republican charade of deception.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida has indicated that there will be a block grant of \$10 billion for localities to decide what they want to do in

terms of prevention or police. Obviously they will have the discretion to do what they want, but they will have \$2.5 billion less to do it with if the bill is passed without this amendment.

Mr. Chairman, if we had a problem of people falling off a cliff, we could decide to build a fence on the cliff or we could decide to buy ambulances at the bottom of the cliff.

Mr. Chairman, this amendment allows us to build a fence, save money, prevent crime, and I would hope it would be the pleasure of the House to adopt the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I simply want to make an observation on the comments made earlier by the gentleman from Maryland [Mr. WYNN] only to the extent of explaining once more that the unallocated funds in the prison construction program, if the States do not claim those moneys, which I think they will claim virtually all of them, that is a bone of contention I suppose with some of the others of the other side, but if they do not claim all of the money even under the \$10½ billion allocated here, then the moneys here are cordoned off and reserved for use by the appropriators for use in the expenses of the Immigration and Naturalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigation, and the U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of persons accused of serious violent felony and incarceration of persons convicted of such offenses.

So it is not court houses and it has very direct preferences related to what we are doing here today in trying to get the kind of money necessary to the States that they can take this group of prisoners, these felons off the streets and lock them up for very extended periods of time. And the gentleman wants to take \$2½ billion out of this today so that he can urge you next week that he is going to put that money in prevention programs instead of into building more prisons.

It is just a difference of opinion. But make no mistake, this would take a huge amount, \$2½ billion, out of the prison program, \$2½ billion that are really needed if we are going to finally stop the revolving door involving serious violent felons who just commit crime after crime in this country.

I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 11, as follows:

[Roll No. 115]

#### YEAS—155

|              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Green         | Owens         |
| Ackerman     | Greenwood     | Pastor        |
| Baldacci     | Gunderson     | Payne (NJ)    |
| Barcia       | Gutierrez     | Pelosi        |
| Barrett (WI) | Hancock       | Peterson (FL) |
| Beilenson    | Hastings (FL) | Porter        |
| Berman       | Hefner        | Quinn         |
| Bishop       | Hilliard      | Ramstad       |
| Boehlert     | Hinchey       | Rangel        |
| Bonior       | Hoekstra      | Reed          |
| Borski       | Hoyer         | Reynolds      |
| Brown (CA)   | Hutchinson    | Rivers        |
| Brown (FL)   | Inglis        | Rohrabacher   |
| Brown (OH)   | Jackson-Lee   | Rose          |
| Burton       | Jacobs        | Roth          |
| Camp         | Johnson (CT)  | Roybal-Allard |
| Cardin       | Johnson, E.B. | Royce         |
| Castle       | Kaptur        | Rush          |
| Chapman      | Kennedy (MA)  | Sabo          |
| Clay         | Kennedy (RI)  | Sanders       |
| Clayton      | Kennelly      | Sanford       |
| Clyburn      | Klecicka      | Sawyer        |
| Collins (IL) | Klug          | Schroeder     |
| Conyers      | LaFalce       | Scott         |
| Coyne        | Lantos        | Sensenbrenner |
| DeFazio      | Lazio         | Serrano       |
| DeLauro      | Leach         | Shays         |
| Dellums      | Lewis (GA)    | Skaggs        |
| Dingell      | LoBiondo      | Slaughter     |
| Dixon        | Longley       | Smith (MI)    |
| Doggett      | Markey        | Stokes        |
| Dooley       | Martinez      | Studds        |
| Duncan       | Martini       | Thompson      |
| Durbin       | Matsui        | Tiahrt        |
| Ehlers       | McDermott     | Torkildsen    |
| Ensign       | McKinney      | Torres        |
| Eshoo        | Meehan        | Towns         |
| Farr         | Meek          | Tucker        |
| Fattah       | Menendez      | Upton         |
| Fawell       | Mfume         | Velázquez     |
| Fazio        | Miller (CA)   | Vento         |
| Fields (LA)  | Mineta        | Visclosky     |
| Filner       | Minge         | Ward          |
| Flake        | Mink          | Waters        |
| Foglietta    | Moakley       | Watt (NC)     |
| Ford (TN)    | Mollohan      | Waxman        |
| Frank (MA)   | Morella       | Williams      |
| Franks (NJ)  | Nadler        | Woolsey       |
| Funderburk   | Neal          | Wynn          |
| Gejdenson    | Oberstar      | Yates         |
| Gephardt     | Obey          | Zimmer        |
| Gilchrest    | Olver         |               |

#### NAYS—268

|              |              |               |
|--------------|--------------|---------------|
| Allard       | Canady       | Ehrlich       |
| Andrews      | Chabot       | Emerson       |
| Archer       | Chambliss    | Engel         |
| Armey        | Chenoweth    | English       |
| Bachus       | Christensen  | Evans         |
| Baessler     | Chrysler     | Everett       |
| Baker (CA)   | Clement      | Ewing         |
| Baker (LA)   | Clinger      | Fields (TX)   |
| Ballenger    | Coble        | Flanagan      |
| Barr         | Coburn       | Foley         |
| Barrett (NE) | Coleman      | Forbes        |
| Bartlett     | Collins (GA) | Fowler        |
| Barton       | Combest      | Fox           |
| Bass         | Condit       | Franks (CT)   |
| Bateman      | Cooley       | Frelinghuysen |
| Bentsen      | Costello     | Frisa         |
| Bereuter     | Cox          | Furse         |
| Bevill       | Cramer       | Gallegly      |
| Bilbray      | Crane        | Ganske        |
| Bilirakis    | Crapo        | Gekas         |
| Bliley       | Creameans    | Geren         |
| Blute        | Cubin        | Gillmor       |
| Boehner      | Cunningham   | Gilman        |
| Bonilla      | Danner       | Gonzalez      |
| Bono         | Davis        | Goodlatte     |
| Boucher      | de la Garza  | Goodling      |
| Brewster     | Deal         | Gordon        |
| Browder      | DeLay        | Goss          |
| Brownback    | Deutsch      | Graham        |
| Bryant (TN)  | Diaz-Balart  | Gutknecht     |
| Bryant (TX)  | Dickey       | Hall (TX)     |
| Bunn         | Dicks        | Hamilton      |
| Bunning      | Doolittle    | Hansen        |
| Burr         | Dornan       | Harman        |
| Buyer        | Doyle        | Hastert       |
| Callahan     | Dreier       | Hastings (WA) |
| Calvert      | Edwards      | Hayes         |



|              |               |             |
|--------------|---------------|-------------|
| Hayworth     | McHugh        | Schumer     |
| Hefley       | McInnis       | Seastrand   |
| Heineman     | McIntosh      | Shadegg     |
| Henger       | McKeon        | Shaw        |
| Hilleary     | McNulty       | Shuster     |
| Hobson       | Metcalfe      | Siskiy      |
| Hoke         | Meyers        | Skeen       |
| Holden       | Mica          | Skelton     |
| Horn         | Miller (FL)   | Smith (NJ)  |
| Hostettler   | Molinari      | Solomon     |
| Houghton     | Montgomery    | Souder      |
| Hunter       | Moorhead      | Spence      |
| Hyde         | Moran         | Spratt      |
| Istook       | Murtha        | Stearns     |
| Jefferson    | Myers         | Stenholm    |
| Johnson (SD) | Myrick        | Stockman    |
| Johnson, Sam | Nethercutt    | Stump       |
| Jones        | Neumann       | Stupak      |
| Kanjorski    | Ney           | Talent      |
| Kasich       | Norwood       | Tanner      |
| Kelly        | Nussle        | Tate        |
| Kildee       | Ortiz         | Tauzin      |
| Kim          | Orton         | Taylor (MS) |
| King         | Oxley         | Taylor (NC) |
| Kingston     | Packard       | Tejeda      |
| Klink        | Pallone       | Thomas      |
| Knollenberg  | Parker        | Thornberry  |
| Kolbe        | Paxon         | Thornton    |
| LaHood       | Payne (VA)    | Thurman     |
| Largent      | Peterson (MN) | Torricelli  |
| Latham       | Petri         | Trafigant   |
| LaTourette   | Pickett       | Volkmer     |
| Laughlin     | Pombo         | Vucanovich  |
| Levin        | Pomeroy       | Waldholtz   |
| Lewis (CA)   | Portman       | Walker      |
| Lewis (KY)   | Poshard       | Walsh       |
| Lightfoot    | Pryce         | Wamp        |
| Lincoln      | Quillen       | Watts (OK)  |
| Linder       | Radanovich    | Weldon (FL) |
| Lipinski     | Rahall        | Weldon (PA) |
| Livingston   | Regula        | Weller      |
| Lowey        | Richardson    | White       |
| Lucas        | Riggs         | Whitfield   |
| Luther       | Roberts       | Wicker      |
| Maloney      | Roemer        | Wilson      |
| Manton       | Rogers        | Wise        |
| Manzullo     | Ros-Lehtinen  | Wolf        |
| Mascara      | Roukema       | Wyden       |
| McCarthy     | Salmon        | Young (AK)  |
| McCollum     | Saxton        | Young (FL)  |
| McCrery      | Scarborough   | Zeliff      |
| McDade       | Schaefer      |             |
| McHale       | Schiff        |             |

## NOT VOTING—11

|              |           |            |
|--------------|-----------|------------|
| Becerra      | Gibbons   | Smith (TX) |
| Collins (MI) | Hall (OH) | Smith (WA) |
| Dunn         | Johnston  | Stark      |
| Frost        | Lofgren   |            |

□ 1306

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston for, with Mrs. Smith of Washington against.

Mr. PALLONE and Mr. SPRATT changed their vote from "aye" to "no."

Messrs. SANFORD, WARD, ENSIGN, GREENWOOD, and ROTH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals, pursuant to House Resolution 63, he reported the bill back to the House with an amendment adopted by the Committee of the Whole House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendment: Page 9, after line 6, insert the following:

"(7) UNALLOCATED FUNDS FOR PUBLIC SAFETY AND COMMUNITY POLICING.—Notwithstanding any other provision of this title, funds transferred under paragraph (6) may only be made available for the program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1965.

Mr. MCCOLLUM. Mr. Speaker, I reserve a point of order.

□ 1310

Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. (Mr. BLILEY). The gentleman from Florida withdraws his reservation of a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion.

Mr. CONYERS. Mr. Chairman and my colleagues of the Congress, this recommit motion takes, perhaps, up to \$5 billion in unallocated funds and puts back into the cops on the beat program.

Now, yesterday the new majority whispered a secret about this prison funding proposal on the floor today. They finally admitted that the truth-in-sentencing scheme would probably be so burdensome on the States that most would never qualify for it, and then the gentleman from Florida offered what I call a "cover your back" amendment saying that unexpended funds would be used for Federal law enforcement. This motion to recommit would allow those unexpended funds, which we are all sure will happen, to be used for the most important program

we have in the crime bill, the cops on the beat program.

Mr. Chairman, the President's police program is the single most desired crime-fighting response demanded by our citizens across the several States. The Republican majority is proposing to repeal the program and put in its place revenue sharing and a prison funding program that in the end will actually provide less money for prisons and not one guarantee for a single community policeman.

People are afraid to go out of their houses to the corner store. The average response time in our neighborhoods to violent crime is getting longer and longer, and people, are demanding change. We can build all the prisons we want, but without police officers on the beat we will never apprehend them.

So let us do what the police are asking us to do, to get them from behind their desks and on the beat, provide them more resources to fight crime. No one, no one can deny the effectiveness of this program, and this will be the far better place to put those unexpended funds.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me. I rise in full support of the motion to recommit.

Let me just recollect to all of my colleagues our view, the attorney general's view, the Justice Department's view, which gives out this money. Under present law, every State qualifies. Under this law, no State qualifies.

Even the gentleman from Florida earlier this morning in the debate admitted that presently, in his views, only three States, three medium and little States, would qualify. So, let us assume that we are right. I ask, Shouldn't that money go to put officers on the beat instead of just sitting there? By all means.

I say to my colleagues, If you are right, the money will be spent on prisons, but if this amendment passes, if you're wrong, which most people will look at it and think at least the money will be spent on cops walking the beat.

I say to my colleagues, Don't, sell out your States. Don't for some nice ideological model way up in the sky that's unattainable, tell your States they can't get millions of dollars to build prisons. Don't sell out your police.

Please support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and I just want

to remind the Members of the House that the gentleman from Florida with his amendment last night has readily admitted that we are not going to spend all this money on prisons. Otherwise why would he have offered the amendment that leaves this money, after 2 years, to go to the Department of Justice to be used for their program? Well, if that is the case, and I agree with the gentleman from Florida; I said that before; there are not going to be very many prisons built with this bill. We have a present law that is a lot better than their program, that is a lot better, but if this is going to be the case, instead of putting it all in the FBI, or all in the Department of Justice, can we not use some for cops on the beat? I think that is where crime fighting actually begins, with the policemen on the beat, in our local communities.

I ask, What's wrong with saying that, if we don't spend it on prisons, let's use some of it to help our local law enforcement?

I strongly urge Members to vote for the motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield myself such time as I may consume, and I strongly oppose this motion to recommit. I have had some words that I have heard from the other side over there that have misstated at least what I said earlier in the debate and a lot of words that have gone through. I want to make it perfectly clear in my judgment, and the judgment of the vast majority of our side of the aisle, I believe that every State of the Union is going to qualify for part A, the pot that has \$5 billion in it with virtually no restrictions on it. Part B, the pot that has the truth in sentencing money in it for requiring the States in order to get it to change their laws to require serious violent felons to serve at least 85 percent of their time, is going to be a carrot where most States will not have, and that is our idea, have not qualified, though I think somewhere in the neighborhood of six or eight States already are in that posture as opposed to the three the gentleman from New York [Mr. SCHUMER] keep stating to us. I believe that virtually all of this money will be consumed, probably all of it, by the States by time the 5 years runs out in both pots, but yesterday we passed a particular amendment which is being proposed today by this motion to recommit with instructions to be changed of what would happen to any moneys that were not actually given out by the Attorney General in these grants because there were not requests for them or whatever, and we said yesterday, and we voted yesterday, to do this in this committee, that the funds, if there were any unused ones, would go for the purposes of Immigration and Naturalization Service investigators, and the expenses of the Bureau of Prisons, the Federal Bureau of Prisons, and

Lord knows they need a lot of it, the Federal Bureau of Investigation and U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of persons accused of a serious violent felony, and the incarceration of persons convicted of such offenses.

It seems to me that that is an appropriate place to place the residual money, if there is any, which I do not think there will be from the prison grant program that is designed to try to get the serious violent felons off the street and solve the revolving door. We do not need to have a big debate out here tonight over cops on the street again.

What the gentleman's motion to recommit would do would be to say every single penny will go, not for the purposes I just enumerated, which is what we passed yesterday, but every single penny, if any is not spent in this bill, would go instead to the President's cops on the streets program which we will address next week.

□ 1320

We on this side of the aisle think that program needs to be merged into a community block grant program. We do not agree with that program. So consequently the purposes for which this is intended are not going to be served by the motion to recommit if it is passed today. So I urge in the strongest of terms a no vote to the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 14, as follows:

[Roll No. 116]

#### YEAS—193

Abercrombie  
Ackerman  
Baesler  
Baldacci  
Barcia  
Barrett (WI)  
Beilenson  
Bentsen  
Bevill  
Bishop  
Bonior  
Borski  
Brewster  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Camp  
Cardin  
Chapman

Clay  
Clayton  
Clement  
Clyburn  
Coleman  
Collins (IL)  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Danner  
de la Garza  
Deal  
DeFazio  
DeLauro  
Dellums  
Dicks  
Dingell  
Dixon  
Doggett

Dooley  
Doyle  
Durbin  
Edwards  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fazio  
Fields (TX)  
Filner  
Flake  
Foglietta  
Ford (TN)  
Frank (MA)  
Furse  
Gejdenson  
Gephardt  
Geren  
Gonzalez

Gordon  
Green  
Gutierrez  
Hall (TX)  
Hamilton  
Harman  
Hastings (FL)  
Hayes  
Hefner  
Hilliard  
Hinchee  
Holden  
Hoyer  
Jackson-Lee  
Jacobs  
Jefferson  
Johnson, E.B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Klecza  
Klink  
LaFalce  
Lantos  
Laughlin  
Levin  
Lewis (GA)  
Lincoln  
Lipinski  
Lowey  
Luther  
Maloney  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy  
McDermott  
McHale  
McKinney

McNulty  
Meehan  
Meek  
Menendez  
Mfume  
Miller (FL)  
Mineta  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moran  
Morella  
Murtha  
Nadler  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton  
Owens  
Pallone  
Parker  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Peterson (MN)  
Pickett  
Pomeroy  
Poshard  
Rahall  
Rangel  
Reed  
Reynolds  
Richardson  
Rivers  
Roemer  
Rose  
Roybal-Allard  
Rush

Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Shays  
Sisisky  
Skaggs  
Skelton  
Slaughter  
Spratt  
Stenholm  
Stokes  
Studds  
Stupak  
Tanner  
Tauzin  
Taylor (MS)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres  
Torricelli  
Towns  
Tucker  
Velázquez  
Vento  
Visclosky  
Volkmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

#### NAYS—227

Allard  
Andrews  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Canady  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clinger  
Coble  
Collins (GA)  
Combest  
Cooley  
Cox  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Davis

DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (LA)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Gilchrest  
Gillmor  
Gilman  
Goodlatte  
Goodling  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hancock  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson

Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Johnson (CT)  
Johnson (SD)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
Martini  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
Metcalf  
Meyers  
Mica  
Miller (CA)  
Molinari  
Moorhead

|              |               |             |
|--------------|---------------|-------------|
| Myers        | Roth          | Taylor (NC) |
| Myrick       | Roukema       | Thornberry  |
| Nethercutt   | Royce         | Tiahrt      |
| Neumann      | Salmon        | Torkildsen  |
| Ney          | Sanford       | Traficant   |
| Norwood      | Saxton        | Upton       |
| Nussle       | Scarborough   | Vucanovich  |
| Oxley        | Schaefer      | Waldholtz   |
| Packard      | Schiff        | Walker      |
| Paxon        | Seastrand     | Walsh       |
| Petri        | Sensenbrenner | Wamp        |
| Pombo        | Shadegg       | Watts (OK)  |
| Porter       | Shaw          | Weldon (FL) |
| Portman      | Shuster       | Weldon (PA) |
| Pryce        | Skeen         | Weller      |
| Quillen      | Smith (MI)    | White       |
| Quinn        | Smith (NJ)    | Whitfield   |
| Radanovich   | Solomon       | Wicker      |
| Ramstad      | Souder        | Williams    |
| Regula       | Spence        | Wolf        |
| Riggs        | Stearns       | Young (AK)  |
| Roberts      | Stockman      | Young (FL)  |
| Rogers       | Stump         | Zeliff      |
| Rohrabacher  | Talent        | Zimmer      |
| Ros-Lehtinen | Tate          |             |

## NOT VOTING—14

|              |           |            |
|--------------|-----------|------------|
| Becerra      | Frost     | Smith (TX) |
| Berman       | Gibbons   | Smith (WA) |
| Boucher      | Hall (OH) | Stark      |
| Coburn       | Johnston  | Thomas     |
| Collins (MI) | Lofgren   |            |

□ 1336

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston of Florida for, with Mrs. Smith of Washington against.

Mr. LOBIONDO changed his vote from “aye” to “no.”

Mr. HILLIARD and Mr. PETE GEREN of Texas changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BLILEY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 265, noes 156, not voting 13, as follows:

[Roll No. 117]

## YEAS—265

|              |             |              |
|--------------|-------------|--------------|
| Allard       | Bono        | Coburn       |
| Andrews      | Borski      | Collins (GA) |
| Archer       | Boucher     | Combest      |
| Armey        | Brewster    | Condit       |
| Bachus       | Browder     | Cooley       |
| Baesler      | Brownback   | Costello     |
| Baker (CA)   | Bryant (TN) | Cox          |
| Baker (LA)   | Bunn        | Cramer       |
| Ballenger    | Bunning     | Crane        |
| Barr         | Burr        | Crapo        |
| Barrett (NE) | Burton      | Creameans    |
| Bartlett     | Buyer       | Cunningham   |
| Barton       | Callahan    | Davis        |
| Bass         | Calvert     | Deal         |
| Bateman      | Canady      | DeLay        |
| Bereuter     | Chabot      | Diaz-Balart  |
| Bevill       | Chambliss   | Dickey       |
| Bilbray      | Chenoweth   | Doggett      |
| Bilirakis    | Christensen | Dooley       |
| Bliley       | Chrysler    | Doolittle    |
| Boehner      | Clement     | Dornan       |
| Bonilla      | Coble       | Dreier       |

|               |               |               |
|---------------|---------------|---------------|
| Duncan        | King          | Reynolds      |
| Dunn          | Kingston      | Richardson    |
| Ehrlich       | Knollenberg   | Riggs         |
| Emerson       | Kolbe         | Roberts       |
| Engel         | LaHood        | Rogers        |
| English       | Largent       | Rohrabacher   |
| Ensign        | Latham        | Ros-Lehtinen  |
| Everett       | LaTourette    | Rose          |
| Ewing         | Laughlin      | Roth          |
| Fawell        | Lazio         | Roukema       |
| Fields (TX)   | Leach         | Royce         |
| Flanagan      | Lewis (CA)    | Salmon        |
| Foley         | Lewis (KY)    | Sanford       |
| Forbes        | Lightfoot     | Saxton        |
| Fowler        | Lincoln       | Schaefer      |
| Fox           | Linder        | Schiff        |
| Franks (CT)   | Lipinski      | Seastrand     |
| Franks (NJ)   | Livingston    | Sensenbrenner |
| Frelinghuysen | LoBiondo      | Shadegg       |
| Funderburk    | Lucas         | Shaw          |
| Galleghy      | Manton        | Shuster       |
| Ganske        | Manzullo      | Sisisky       |
| Gekas         | Martini       | Skeen         |
| Geren         | McCollum      | Skelton       |
| Gilchrist     | McCrery       | Smith (NJ)    |
| Gillmor       | McDade        | Solomon       |
| Gilman        | McHale        | Souder        |
| Goodlatte     | McHugh        | Spence        |
| Goodling      | McInnis       | Spratt        |
| Gordon        | McIntosh      | Stearns       |
| Goss          | McKeon        | Stenholm      |
| Graham        | McNulty       | Stockman      |
| Greenwood     | Menendez      | Stump         |
| Gutknecht     | Metcalf       | Talent        |
| Hall (TX)     | Meyers        | Tanner        |
| Hancock       | Mica          | Tate          |
| Hansen        | Miller (FL)   | Tauzin        |
| Harman        | Molinaro      | Taylor (MS)   |
| Hastert       | Montgomery    | Taylor (NC)   |
| Hastings (WA) | Moorhead      | Thomas        |
| Hayes         | Myers         | Thornberry    |
| Hayworth      | Myrick        | Thurman       |
| Hefley        | Nethercutt    | Tiahrt        |
| Hefner        | Neumann       | Torricelli    |
| Heineman      | Ney           | Traficant     |
| Herger        | Norwood       | Visclosky     |
| Hilleary      | Nussle        | Vucanovich    |
| Hobson        | Orton         | Waldholtz     |
| Hoke          | Oxley         | Walker        |
| Horn          | Packard       | Walsh         |
| Hostettler    | Pallone       | Wamp          |
| Houghton      | Parker        | Watts (OK)    |
| Hunter        | Pastor        | Weldon (FL)   |
| Hutchinson    | Paxon         | Weldon (PA)   |
| Hyde          | Payne (VA)    | Weller        |
| Inglis        | Peterson (FL) | White         |
| Istook        | Peterson (MN) | Whitfield     |
| Jacobs        | Petri         | Wicker        |
| Jefferson     | Pickett       | Wilson        |
| Johnson (CT)  | Pombo         | Wolf          |
| Johnson, Sam  | Porter        | Wyden         |
| Johnson (SD)  | Poshard       | Young (AK)    |
| Jones         | Pryce         | Young (FL)    |
| Kasich        | Quillen       | Zeliff        |
| Kelly         | Radanovich    | Zimmer        |
| Kennedy (RI)  | Reed          |               |
| Kim           | Regula        |               |

## NAYS—156

|              |             |               |
|--------------|-------------|---------------|
| Abercrombie  | Danner      | Gunderson     |
| Ackerman     | DeFazio     | Gutierrez     |
| Baldacci     | de la Garza | Hamilton      |
| Barcia       | DeLauro     | Hastings (FL) |
| Barrett (WI) | Dellums     | Hilliard      |
| Beilenson    | Dicks       | Hinchey       |
| Bentsen      | Dingell     | Hoekstra      |
| Bishop       | Dixon       | Holden        |
| Blute        | Doyle       | Hoyer         |
| Boehlert     | Durbin      | Jackson-Lee   |
| Bonior       | Edwards     | Johnson, E.B. |
| Brown (CA)   | Ehlers      | Kanjorski     |
| Brown (FL)   | Eshoo       | Kaptur        |
| Brown (OH)   | Evans       | Kennedy (MA)  |
| Bryant (TX)  | Farr        | Kennelly      |
| Camp         | Fattah      | Kildee        |
| Cardin       | Fazio       | Kleczka       |
| Castle       | Fields (LA) | Klink         |
| Chapman      | Filner      | Klug          |
| Clay         | Flake       | LaFalce       |
| Clayton      | Foglietta   | Lantos        |
| Clinger      | Ford        | Levin         |
| Clyburn      | Frank (MA)  | Lewis (GA)    |
| Coleman      | Furse       | Longley       |
| Collins (IL) | Gejdenson   | Lowe          |
| Conyers      | Gephardt    | Luther        |
| Coyne        | Gonzalez    | Maloney       |
| Cubin        | Green       | Markey        |

|             |               |            |
|-------------|---------------|------------|
| Martinez    | Owens         | Smith (MI) |
| Mascara     | Payne (NJ)    | Stokes     |
| Matsui      | Pelosi        | Studds     |
| McCarthy    | Pomeroy       | Stupak     |
| McDermott   | Portman       | Tejeda     |
| McKinney    | Quinn         | Thompson   |
| Meehan      | Rahall        | Thornton   |
| Meek        | Ramstad       | Torkildsen |
| Mfume       | Rangel        | Torres     |
| Miller (CA) | Rivers        | Towns      |
| Mineta      | Roemer        | Tucker     |
| Minge       | Roybal-Allard | Upton      |
| Mink        | Rush          | Velázquez  |
| Moakley     | Sabo          | Vento      |
| Mollohan    | Sanders       | Volkmer    |
| Moran       | Sawyer        | Ward       |
| Morella     | Scarborough   | Waters     |
| Murtha      | Schroeder     | Watt (NC)  |
| Nadler      | Schumer       | Waxman     |
| Neal        | Scott         | Williams   |
| Oberstar    | Serrano       | Wise       |
| Obey        | Shays         | Woolsey    |
| Olver       | Skaggs        | Wynn       |
| Ortiz       | Slaughter     | Yates      |

## NOT VOTING—13

|              |           |            |
|--------------|-----------|------------|
| Becerra      | Frost     | Smith (TX) |
| Berman       | Gibbons   | Smith (WA) |
| Collins (MI) | Hall (OH) | Stark      |
| Deutsch      | Johnston  |            |
| Frisa        | Lofgren   |            |

□ 1354

The Clerk announced the following pairs:

On this vote:

Mr. Smith of Texas for, with Miss Collins of Michigan against.

Mrs. Smith of Washington for, with Mr. Johnston against.

Mr. Deutsch for, with Mr. Berman against.

Mrs. MALONEY, Mr. LUTHER, and Mr. FORD changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 667, VIOLENT CRIMINAL INCARCERATION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 667, as amended, the Clerk be authorized to correct section numbers, cross-references, an punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. BLILEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

## GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 667 and H.R. 668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.